

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-14015-C-2018 in/and
RSA-3095-2012 (O&M) with
XOBS-25-C-2015 (O&M)
Date of Decision : 10.9.2018

Nand Kishore

....Appellant

vs.

Sanjay Kumar and others

....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Johan Kumar, Advocate
for the applicant-appellant.

Mr. Lokesh Sinhal, Advocate
for the non-applicants/respondents.

AJAY TEWARI, J. (Oral)

This is an application for disposing of the appeal and cross objections filed in this appeal in view of the compromise/settlement arrived between the appellant and respondents No. 1 to 4. As per the compromise the respondents No.1 to 4 were to pay a sum of Rs. 6 lakhs to the appellant.

This appeal had arisen from a suit filed by the appellant for specific performance of agreement to sell against predecessor in interest of respondents No. 6 to 11. Respondents No. 1 to 4 were subsequent purchasers. The Trial Court decreed the suit in entirety but in appeal filed by the respondents No. 1 to 4 the alternate relief of recovery of double the amount of earnest money was allowed in favour of the appellant which was challenged by him. Now by the compromise deed Annexure A-1 respondents No. 1 to 4 have given an amount of Rs. 6 lakhs (as detailed in the compromise deed) to

the appellant. They have also expressed that they would have no objection if the balance sale consideration of Rs.4 lakhs which was deposited by the appellant pursuant to the Trial Court decree be refunded to him. In consideration thereto the appellant has given up his claim qua the land in dispute and he withdraws the appeal. Respondents No.1 to 4 also withdraw their cross-objections. The appellant reserves his right to now execute the decree of the appellate Court against the respondents No. 6 to 11. The appellant Nand Kishore is present in the Court and is identified by his Counsel Mr. Johan Kumar, Advocate and respondent No.1 Sanjay Kumar is also present and is identified by his Advocate Mr. Lokesh Sinhal, Advocate. Both the appellant and respondent No.1 have accepted that the compromise i.e Annexure A-1 has been effected between the parties voluntarily.

Parties present in the Court made a common separate statement as regards the compromise which is marked as Mark 'A-1'.

The compromise is as per the parameters laid down under Order 23 Rule 3 CPC. It is accepted qua respondents No. 1 to 4.

In the circumstances, the application, the appeal as well as cross-objections stand disposed of in view of the compromise Annexure A-1. Compromise be made as part of decree.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**10.9.2018
anuradha**

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No