

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-2529-2013 (O&M)
Date of decision: 30.04.2018

Ashok Kumar

...Appellant

V/s.

Kishan Chand and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr. Kul Bhushan Sharma, Advocate for the appellant.

Mr. Adarsh Jain, Advocate for respondent No. 1.

RITU BAHRI, J. (Oral).

CM-6139-C-2018

Application is allowed.

Mutual settlement dated 15.09.2016 (Annexure C-1) is taken on record subject to all just exceptions.

RSA-2529-2013 (O&M)

The appellant-defendant has come up in appeal against the judgement of lower Appellate Court dated 11.02.2013 whereby the suit of the plaintiff has been decreed for partition of the house in dispute.

The pleaded case of the plaintiff was that the defendants were the joint owners/co-sharers and in joint possession of the house in dispute. They had purchased the house in an open auction from Rehabilitation Department on 12.11.1956. They were given possession on 11.07.1958 and on account of a dispute, the suit of the plaintiff was decreed by the lower Appellate Court on 11.02.2013 on the ground that even the co-sharer is out

of possession, his constructive possession can be presumed in view of the judgment of this Court in case of ***Bhartu V/s. Ram Swarup 1981 PLJ 304***.

During the pendency of this appeal, the parties have compromised the matter as per mutual settlement dated 15.09.2016 (Annexure C-1) has been effected between the parties. Parties are present in Court and submit that compromise has been effected and the appeal be disposed of in the above terms and the compromise be made part of the decree dated 11.02.2013.

In view of the above, RSA is disposed of in the above terms and the compromise be made as part of the decree.

Since the appeal is disposed of, the application pending, if any, also stands disposed of.

(RITU BAHRI)
JUDGE

April 30, 2018
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No