

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

RSA No.1293 of 2016 (O&M)

Date of decision:01.11.2018

Subhash Chanchreek

... Appellant

Vs.

Dimple Kumari and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Namit Kumar, Advocate
for the appellant.

AMIT RAWAL J. (Oral)

The appellant-plaintiff has not been successful in seeking the relief of mandatory injunction against the defendants for handing over the full payment of agreement and other documents of compromise dated 31.01.1999.

It was alleged that plaintiff and his brothers, namely, Satish and Harish entered into a compromise on 31.01.1999 in which his brothers gave some plot in lieu of their liability to give a constructed room to the plaintiff in kothi no.2012, Sector 13, Karnal. The plaintiff wanted to take the possession of the plot in question but the documents have been withheld and therefore, there was breach of obligation.

The respondent-defendants were proceeded against ex parte. The trial Court dismissed the suit and so did the Lower Appellate Court.

Mr. Namit Kumar, learned counsel appearing on behalf of the appellant-plaintiff submitted that an ex parte evidence brought on record had gone un-rebutted. The compromise was required to be looked into, thus, there is gross illegality and perversity in the findings rendered by the Courts below.

I am afraid the aforementioned argument is not sustainable in the eyes of law, for, suit was filed in the year 2009, whereas, the compromise is of 1999. No explanation has come forth in not espousing the cause within the prescribed period of limitation. The appeal is also accompanied by an application seeking condonation of delay of 1735 days. No reasonable explanation has been spelled out in the application for condonation of delay.

Resultantly, the appeal is dismissed on merits as well as on limitation.

(AMIT RAWAL)
JUDGE

November 01, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No