

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

107

CM No.18207-C of 2018 in/and
RSA No.1857 of 2016 (O&M)
Date of decision:21.12.2018

Gurmukh Singh and others

... Appellants

versus

Surjit Kaur and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Rakesh Gupta, Advocate,
for the appellants
Mr.Amandeep Singh, Advocate,
for respondent no.1.
Ms.Sabina Chalana, Advocate,
for respondent no.3
...

AMOL RATTAN SINGH, J. (Oral)

1. As already recorded in the order passed yesterday, i.e. 20.12.2018, by CM No.18207-C of 2018, the applicant-respondent no.1 (plaintiff in the suit decreed in her favour by both the Courts below), seeks to withdraw the suit itself which is the foundation of this *lis*, with the applicant also having been present in Court yesterday.

Though she is obviously an old lady (shown even in her affidavit to be 86 years old), all counsel are *ad idem* that the dispute being within the family itself, with respondent no.2 (defendant no.1 before the trial Court) being the adopted son of respondent no.1-plaintiff, the matter has been amicably settled fully and finally.

2. This application and the accompanying appeal had been adjourned to today because learned counsel appearing for respondent no.3 in this appeal, had made a statement that RSA no.4283 of 2016 has been

filed by the said respondent, impugning the same judgments and decrees of the learned Courts below, as have been impugned in the present appeal.

Consequently, the case file of that appeal has also been put up along with the present case.

In view of what is stated in the application, duly accompanied by the affidavit of applicant-respondent no.1, CM No.18207-C of 2018 is allowed, with the suit itself instituted by respondent no.1, i.e. Civil Suit No.271 of 2012, decided by the learned Additional Civil Judge (Senior Division), Guhla, on 14.8.2013, ordered to be dismissed as withdrawn, with naturally the subsequent judgment in the first appeal filed by the present appellants, i.e. Gurmukh Singh, Nishan Singh and Buta Singh, rendered *non est*.

RSA No. 1857 of 2016

In view of the above, this appeal has been rendered infructuous and is disposed of as such.

21.12.2018
pk/nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No