

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

R.S.A.No.1070 of 2015 (O&M)

Date of Decision: May 18, 2018

Raghbir Singh & another

...Appellants

Versus

Davinder Kaur & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

Present: Mr.Arun Jain, Senior Advocate with
Mr.M.S.Rana, Advocate,
for the appellants.

Mr.Vipin Mahajan, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

Compromise dated 13.5.2018 duly signed by the appellants-defendants No.1 and 2, i.e., Raghbir Singh and Sukhbir Singh and respondent No.1/plaintiff No.1 Davinder Kaur has been filed today in Court stating therein that they have compromised the matter in the following manner:-

“1. That the plaintiffs/defendants No.4 and 5 filed a civil suit for declaration which was decreed by the courts below. However, during the course of hearing, the appellants have settled the dispute with the plaintiffs/defendants No.4 and 5 in civil suit as under:-

(a) That the plaintiffs/defendants No.4 and 5 may be declared owner in possession of land comprised in Khasra No.387 (7-4), Khasra No.383/1 (6-16) and 2-0 kanals land in Khasra No.254 situated in Village Ghurella, HB No.355, Tehsil and District Gurdaspur.

(b) That the plaintiffs/defendants No.4 and 5 accept the aforesaid and agree that the appeal be allowed, the judgments and decrees of both the courts below may be set aside and the suit filed by the plaintiff/defendants No.4 and 5 may be disposed off in terms of the compromise and the same may be formed as part of the decree.

2. That in view of the aforesaid settlement the plaintiffs and defendants No.4 and 5 shall not claim any right, title or interest in the suit land in any manner except with regard to land comprised in Khasra No.387 (7-4), Khasra No.383/1 (6-16) and 2-0 kanals land in Khasra No.254 situated in village Ghurella, HB No.355, Tehsil and District Gurdaspur.

3. That the parties shall be bound by the aforesaid compromise and the same may be formed part of the decree.”

The compromise is taken on record and marked as Ex.C1. Let statement of Sukhbir Singh appellant and Davinder Kaur respondent in pursuance to the compromise be recorded in this regard. The same is recorded and marked as C2.

Mr.Arun Jain, learned Senior Counsel assisted by Mr.M.S.Rana, representing the appellants submits that the land, which is agreed to be given to the respondent-plaintiffs, is having eucalyptus trees, which the appellant-defendants shall remove and the removal process shall take 15 days. There is also a residential house on 1 kanal 4 marlas of land in which the appellant-defendants will not cause any forcible interference or dispossession of the respondent-plaintiffs. The aforementioned request of Mr.Jain has been accepted by Mr.Vipin Mahajan, learned counsel for the respondents. He has no objection in case the possession of the property undertaken to be given in the compromise is handed over within 15 days, i.e., after removal of the plantation on or before 5.6.2018.

The appeal is disposed of in terms of the compromise. The compromise be read as a part and parcel of the order & decree.

May 18, 2018
ramesh

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable:

Yes/No