

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

230

RSA-4019-2016 (O&M)
Date of decision: 03.07.2018

GANESHI SIHAG (DECEASED) THR LRS

... Appellants

Versus

MAHINDER AND ANR

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. S.S. Sahu, Advocate for the appellants.

Mr. Munish K. Garg, Advocate for respondent No.1.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against concurrent findings recorded by the Courts below whereby suit filed by respondent No.1/plaintiff was decreed by the trial Court vide judgment and decree dated 26.09.2013 that came to be affirmed by the Appellate Court on 09.05.2016.

Counsel for the appellants would state that as dispute between the parties has been settled by way of compromise (Annexure A1) and affidavit of respondent-Mahinder (Annexure A2), sought to be placed on record by filing CM No.7923-C of 2018, the present appeal may be disposed of in terms of the compromise deed dated 22.03.2018 (Annexure A1).

Counsel for respondent No.1 would state that he has no instructions with regard to compromise between the parties, therefore, he is not in a position to record any concession in this regard.

Be that as it may, the appellants filed the aforesaid application (CM No.7923-C of 2018) for placing on record copy of compromise deed dated 22.03.2018 (Annexure A1), affidavit of plaintiff/respondent No.1- Mahinder dated 21.03.2018 (Annexure A2) and affidavit of appellant- Jaswant Singh dated 27.03.2018 (Annexure A3) with a prayer to dispose of the appeal in terms of compromise effected between the parties.

Vide order dated 16.05.2018 passed by this Court, counsel for respondent No.1 prayed for time to seek instructions in this regard. Till date, counsel for respondent No.1 has not sought any instructions, despite expiry of more than 1 ½ months.

That being so, the documents Annexures A1 to A3 are taken on record. CM No.7923-C of 2018 is disposed of accordingly.

The appeal also stands disposed of. Judgments and decrees passed by the Courts are modified in terms of compromise (Annexure A1). The terms and conditions of compromise shall form part of the decree.

(REKHA MITTAL)
JUDGE

03.07.2018
ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No