

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

**106**

**CM-7111-C-2017 in/and  
RSA-6043-2015 (O&M)  
Date of Decision : 19.02.2018**

Mali Ram @ Male Ram

..... Appellant

Versus

Mahesh Kumar and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present: Mr. Raghav Talwar, Advocate  
for Mr. Aman Bahri, Advocate  
for the applicant-appellant.

Mr. G.S. Gandhi, Advocate  
for the respondents No.1 and 2.

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**AJAY TEWARI, J. (Oral)**

**CM-7111-C-2017**

This is an application for bringing on record the legal heirs of the deceased appellant.

For the reasons recorded, the application is allowed subject to all just exceptions. Person mentioned in para No.2 of the application is impleaded as LR of the deceased appellant. Amended memo of parties is taken on record.

**RSA-6043-2015 (O&M)**

This appeal has been filed against the concurrent judgments of the courts below decreeing the suit of respondents No.1 and 2 (contesting).

On 01.03.2016 the following order was passed:-

*“Counsel for the appellant, after arguing for some time and understanding that the Bench is not agreeable with the two fold*

*submissions made, has submitted that the appellant gives up challenge to the findings of the courts below on merits. It is further submitted that as the contesting respondents/plaintiffs are the successors-in-interest of one of the brothers of the appellant and are staying in Hyderabad for the past more than four decades and have no intention to return to their native village and cultivate the land in question personally and ultimately they may sell the land of their share to a stranger, the respondents No. 1 and 2 (contesting) may be called upon to appear in the Court to examine possibility of an amicable settlement between the parties.*

*Notice of motion for 20.7.2016 limited to explore possibility of an amicable settlement as the parties are closely related.”*

Today the counsel for the respondents states that there is no possibility of settlement since the respondents are not willing to part with the land in dispute in any circumstance.

Consequently, the appeal is dismissed. No costs.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

( AJAY TEWARI )  
JUDGE

February 19, 2018  
ashish

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No