

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

**CM-10606-C of 2018 in/and
RSA No. 1789 of 2017
Date of Decision: 13.07.2018**

Dasaunda Singh @ Daswandh Singh

..... Applicant-appellant

Versus

Gurnam Bajwa and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Piyush Aggarwal, Advocate
for the applicant-appellant.

Mr. Akshit Chaudhary, Advocate
for respondents no. 1 to 3.

LISA GILL, J (Oral).

This appeal has been filed by appellant-Dasaunda Singh @ Daswandh Singh, who was one of the defendant before the learned trial Court. Appellant-Dasaunda Singh @ Daswandh Singh, is the brother of respondents no.1 to 3 (plaintiffs before the learned trial Court). The other defendants i.e. respondents no. 4 to 14 (arrayed as defendants no.2 to 12) before the learned trial Court, were proceeded against ex parte. Before the learned Additional District Judge, also the said respondents were proceeded against ex parte. Compromise has been arrived at between applicant-appellant-Dasaunda Singh @ Daswandh Singh and his three sisters i.e. parties who were contesting the matter before both the learned Courts below.

The present application has been filed under Order 23 Rule 3 read with Section 151 CPC stating that a compromise has been effected between the parties on 20.06.2018.

Notice of the application.

Mr. Akshit Chaudhary, Advocate, accepts notice on behalf of respondents no. 1 to 3. He affirms and verifies the factum of settlement arrived at between the parties.

Both the learned counsel pray that hearing of the case be preponed from 07.12.2018 for today itself and the appeal be disposed of in view of the compromise arrived at between the parties.

At this stage, Mr. Ashok Saini, Advocate, has appeared and seeks to intervene in the matter on behalf of Sandeep Singh son of Dasaunda Singh @ Daswandh Singh. It is contended that the present application be not allowed as rights of Sandeep Singh are directly affected by the said compromise. It is however not disputed that Sandeep Singh son of Dasaunda Singh @ Daswandh Singh was not a party before the learned trial Court. If at all, any of his right/rights is/are affected, needless to say, he has remedies, but no ground whatsoever is made out, at this stage, to permit Sandeep Singh son of Dasaunda Singh @ Daswandh Singh to intervene in the matter and that too on an oral request made during the course of hearing of this application.

With the consent of learned counsel for the parties, hearing of this case is preponed from 07.12.2018 for today itself.

In view of the above, CM-10606-C of 2018 is allowed and RSA No. 1789 of 2017 is disposed of in view of compromise dated 20.06.2018, which shall form part of the decree.

13.07.2018
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.
Whether reportable : Yes/No.