

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

CM-15352-C of 2018 in/and  
RSA No. 1961 of 2017  
Date of Decision:11.10.2018

Jaiwati and others

.....Appellants

Versus

Sukhbir Singh and others

..... Respondents

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Mr.Amit Jain, Advocate  
for the applicant-appellants.

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**LISA GILL, J (Oral).**

CM-15352-C of 2018 has been filed for withdrawal of this appeal in terms of the compromise arrived at between the parties, attached along with as Annexure A-3, with this application.

This appeal has been filed by the appellants challenging judgment and decree dated 26.09.2016 passed by the learned Additional District Judge, Gurgaon, whereby judgment and decree dated 28.02.2013 passed by the learned Additional Civil Judge (Sr. Division), Gurgaon, was reversed.

None had appeared on behalf of respondents no.2 and 3 despite service. Fresh notice was issued to respondent no.1 for 27.08.2018. Respondent no.1 was duly served but this appeal was not taken up for hearing due to paucity of time. In the meantime, the present matter along with some other matters was amicably resolved between the parties. The terms and conditions of the settlement were reduced into writing. The compromise is attached as Annexure A-3 with the CM-15352-C of 2018. Parties appeared before the learned Additional District Judge, Gurgaon, in the proceedings in Civil Appeal No. 98 dated 31.03.2014/ 08.08.2017 titled as 'Smt. Krishna Vs. Anju and others'. The present appellants are arrayed as respondents no.4 to 6 in the said appeal. Respective wives of all the three defendant-respondents in this appeal

are arrayed as respondents no.1 to 3 in the said appeal. Respondents Sukhbir,

Shyambir and Surender in the present appeal are signatories to the compromise Annexure A-3. All the parties to the said appeal appeared before the learned Additional District Judge, Gurgaon, on 04.10.2017 and their joint statement was recorded regarding the settlement. Certified copy of order dated 04.10.2017 is attached as Annexure A-1 alongwith CM-15352-C of 2018.

It is specifically mentioned in order dated 04.10.2017 that the parties shall remain bound to get RSA No. 1961 of 2017 i.e. the present appeal decided in terms of the compromise

Learned counsel for the applicant-appellants submits that he has specific instructions to withdraw the present appeal in terms of compromise arrived at between the parties. All the appellants have appended their thumb impressions on the present application. Affidavit of appellant no.1 has been filed in support of the application.

At request of learned counsel for the appellants, hearing of the main appeal is preponed from 18.03.2019 for today itself.

Keeping in view the facts and circumstances as above, application i.e. CM-15352-C of 2018 is allowed and the present appeal is dismissed as withdrawn in terms of settlement attached as Annexure A-3, duly exhibited as Ex.C-1 in Civil Appeal No. 98 dated 31.03.2014/ 08.08.2017. The said compromise to form part of the decree in this case as well.

Needless to say, liberty is afforded to the respondents to move an appropriate application, in case, there is any factual error in the facts submitted before this Court.

11.10.2018  
s.khan

[LISA GILL]  
Judge

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