

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

RSA No.2071 of 2017

Date of Decision: 16.05.2018

Ashok Kumar and others

.....Appellant

Vs.

Vishal Jain and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Mr.Deepak Sharma, Advocate, for the appellant.

Mr.Sanjiv Kumar Aggarwal, Advocate, for the respondents.

RITU BAHRI, J. (ORAL)

The appellant has come up in appeal against the judgments of the trial Court dated 08.01.2016 and learned appellate Court dated 18.01.2017 whereby, suit of the plaintiff had been decreed for recovery of Rs.37,10,000/- along with interest @ 6% per annum.

Vide order dated 20.04.2017, the appellant was directed to deposit decretal amount before the trial Court in the shape of FDR. On 19.05.2017, it was clarified that he will deposit Rs.30 Lacs before the trial Court in the shape of FDR.

Today, learned counsel for the appellant has placed on record the compromise which has been effected on 16.05.2018 and counsel for the respondents has put in appearance and placed on record his power of attorney and he has not disputed with regard to compromise (Annexure A-1) which has been arrived at between the parties. In terms of the compromise, the total decretal amount i.e. Rs.40 Lacs is to be paid to the respondents in

which respondents/decreed holders shall withdraw Rs.30 Lacs alongwith interest (FDR) which would be around Rs.32 lacs, which was deposited by the appellant in the trial Court in the shape of FDR. It has been further mentioned in the compromise that remaining Rs.8 Lacs would be paid by the appellant to the respondents decreed holder by 20.11.2018. The parties shall remain bound by the terms and conditions of the compromise.

In view of the above, present Regular Second Appeal is disposed of in terms of compromise (Annexure A-1) and appellant is directed to pay remaining amount of Rs.8 Lacs in a time bound manner. Respondent-decreed holder shall file appropriate application to withdraw the amount deposited by the appellant before the trial Court.

Court fee deposited before the trial Court as well as the High Court be refunded to the concerned parties as per rules.

(RITU BAHRI)
JUDGE

16.05.2018

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Whether speaking/reasoned Yes/No

Whether reportable Yes/No