

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 108

Case No. : CM No. 19818-CII of 2019 in/
and CR No. 367 of 2019

Date of Decision : September 24, 2019

Malkiat Rai Petitioner

vs.

Kaur Singh and others Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

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Present : Mr. Rajan Bansal, Advocate
for the non-applicant/petitioner.

Mr. Satbir Singh Gill, Advocate
for the applicant/respondent no. 1.

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DEEPAK SIBAL, J. (Oral) :

The petitioner had filed a suit seeking therein specific performance of agreement to sell dated 29.02.2004 executed by respondent no. 2 – Ranjit Singh, as General Power of Attorney of respondent no. 1 – Kaur Singh, through which, it was agreed to sell to the petitioner land measuring 07 kanals which was detailed and described in the head note of the plaint (for short – the suit property).

On being put to notice, respondent no. 1, who was the contesting respondent, failed to appear before the Trial Court and was therefore proceeded against ex-parte.

On the basis of evidence, which was produced before the Trial

deposit of the balance sale consideration of Rs.11 lakhs by the petitioner, respondent no. 1 was directed to execute the sale deed qua the suit property in favour of the petitioner.

Respondent no. 1 filed an application under Order 9 Rule 13 CPC seeking therein to set aside the aforesaid ex-parte decree of the Trial Court dated 20.09.2010. On 08.08.2016, the Trial Court dismissed respondent no.1's application, against which an appeal was preferred by respondent no. 1, which was allowed by the Appellate Court. Such order of the Appellate Court is under challenge in the present proceedings.

Today, an application, duly supported by an affidavit, has been filed by respondent no. 1, as per which, the parties, through a written compromise dated 15.07.2019, have settled their dispute. According to the terms of the compromise, on withdrawal of the balance sale consideration already deposited by the petitioner, respondent no. 1 has agreed to execute the aforesaid decree of the Trial Court dated 20.09.2010.

In view of the above, after directing that the parties shall remain bound by the terms of the compromise arrived at between them and in the terms thereof, the present petition is allowed. Resultantly, the impugned order dated 22.10.2018 passed by the Appellate Court is set aside.

(DEEPAK SIBAL)
JUDGE

September 24, 2019
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<i>Whether speaking/reasoned ?</i>	<i>Yes/No.</i>
<i>Whether reportable ?</i>	<i>Yes/No.</i>