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

**CR No.1937 of 2016 (O&M)
Date of Decision : 02.05.2019**

Kishan Lal

Petitioner

Versus

Shanti Devi and others

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G.S. Nagra, Advocate for
Mr. Shamsheer Dhillon,
for the petitioner.

Mr. Pankaj Kundra, Advocate
for the respondents.

Mr. Deepak Sabharwal, Advocate
for the applicant [in CM No.14012-CII of 2016].

AVNEESH JHINGAN, J. (Oral)

This Civil Revision Petition has been filed against order dated 09.02.2016, passed by the Civil Judge (Junior Division), Jalandhar, whereby objections filed by Kishan Lal (petitioner) in execution proceedings were dismissed.

Facts in brief are that petitioner and respondents No.1 to 6 filed a suit for partition of the suit property. Respondents No.1 to 6 and the petitioner are brothers and sisters. Preliminary decree was passed on 06.12.2007, ordering partition of the suit property,

awarding 1/7th share to each of the party. Aggrieved of the said order, appeal was filed by the petitioner, the same was dismissed on 23.02.2010. After dismissal of the appeal, application was filed for partition by appointing a Local Commissioner. Judgment and decree was passed on 01.08.2014 partitioning the suit property. The Court came to the conclusion that it is not possible to partition the suit property physically and it needs to be auctioned. The property was purchased by Kamal Kumar for ₹31,90,000/- in an open auction on 01.05.2014. Sale Certificate was issued on 06.01.2015. Respondents No.1 to 6 filed the Execution Petition, in which the petitioner filed the objections, the same were dismissed on 09.02.2016. Hence, the present petition.

During the pendency of the petition, Kamal Kumar, Auction Purchaser moved an application under Order I Rule 10 for impleading him as a party. The petitioner and respondents No.1 to 6 have no objection if he is impleaded as a party. The application is allowed. Kamal Kumar, Auction Purchaser is impleaded as respondent No.7.

On 17.12.2018, the matter was referred to the Mediator. The file was sent back by the Mediator.

Today, learned counsel for the parties agreed that the parties have compromised the matter and no longer want to pursue the litigation. It is settled that petitioner will pay ₹4,00,000/-, over and above the amount of ₹32,00,000/- already deposited in pursuance of order dated 30.03.2016 of this Court.

Learned counsel for the petitioner states that the petitioner is present in the Court. He has brought the Demand Draft No.583150, dated 01.05.2019 amounting to ₹4,00,000/-. The draft has been accepted by the newly added respondent i.e. Auction Purchaser. The photocopy of draft is taken on record.

In view of the statements made by learned counsel for the petitioner, respondents No.1 to 6 and newly added respondent, the Civil Revision Petition is disposed of.

Needless to add that respondent No.7 shall move an application for disbursement of ₹32,00,000/-, earlier deposited by the petitioner.

[AVNEESH JHINGAN]
JUDGE

May 02, 2019
pankaj baweja

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| 1. Whether speaking/ reasoned | : | Yes |
| 2. Whether reportable | : | No |