

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 6132 of 2018 (O&M)

Date of Decision: 16.05.2019

Jasmail Singh

.....Petitioner

Vs.

Binder Pal Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Parveen K. Kataria, Advocate,
for the petitioner.

Mr. Rajesh Bhateja, Advocate,
for respondent no. 1.

AMOL RATTAN SINGH, J. (ORAL)

As already recorded in the order passed on 08.05.2019, this petition was actually virtually disposed of vide an order passed on 11.03.2019, but had been kept pending only to determine whether Rs. 3,10,000/- as was to be paid by the petitioner to either respondent no. 1/all the respondents, had been paid or not.

Learned counsel for the petitioner submits that the said amount has been paid to respondent no. 1, with learned counsel appearing for the said respondent not refuting the aforesaid.

That being so, this petition is disposed of in terms of the compromise deed dated 28.01.2019, a photocopy of which (in vernacular) has been annexed with CM No. 5582-CII-2019, a translated copy of which is also seen to be on record.

Naturally, the compromise would be binding qua the parties thereto only, with any rights arising to non-signatories to the compromise, i.e. respondent no. 2 herein, not commented upon at all by this Court.

Subject to the rights of any other party to the *lis*, who is not a party to the compromise, the amount of Rs. 2,29,840/- stated to have been deposited by the petitioner with the execution Court be refunded to him, with no objection raised to that too by learned counsel appearing for respondent no. 1.

Learned counsel for the parties are also *ad idem* that an amount of Rs. 2,10,000/- is to be also refunded to respondent no. 3, i.e. Rajinder Pal, who is also seen to be a signatory to the aforesaid compromise deed.

Upon appropriate applications being moved before the execution Court by the respective parties, seeking such refund, the said amount would be refunded to them, subject again of course to the rights of any other persons who are not party to the compromise deed but are parties before that Court.

The effect of the compromise reached between the parties would naturally be taken into consideration by the execution Court, while disposing of the executing proceedings before it, which would be now done very expeditiously.

May 16, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.