

In the High Court of Punjab and Haryana at Chandigarh

235

CR No. 6348 of 2017

Date of decision: 30.10.2019

Inder

.....petitioner

Versus

Raj Kumar

.....respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Petitioner in person along with
Mr.C.K.Singla, Advocate.

Respondent in person along with
Mr.Vikram Singh, Advocate.

RAJ MOHAN SINGH, J.(oral)

Petitioner has preferred this revision petition against the judgment dated 4.7.2017 passed by the Additional District Judge, Bhiwani, upholding the order dated 31.10.2014 passed by the Civil Judge (Jr.Divn.), Charkhi Dadri with the modification of reduction in sentence of civil imprisonment from three months to one month.

Petitioner was ordered to be sentenced for one month in civil imprisonment by modifying the order of the trial Court, vide which the petitioner was sentenced for three months civil imprisonment for violation of the order of status quo dated 16.3.2010 passed by the trial Court. The cognizance was taken by the trial Court in terms of Order 39 Rule 2 (A) CPC.

At the time of issuance of notice of motion, the petitioner was directed to deposit an amount of Rs.30,000/- in

the Registry of this Court payable to the respondent as

compensation subject to outcome of the present petition. The said amount has already been deposited on 29.8.2018 vide receipt No.1053 in this Court. On 14.8.2019, the parties were directed to come present in Court.

Today, the Court has interacted with the respondent in order to ascertain whether the amount of Rs.30,000/- deposited in the Registry of this Court is acceptable to the respondent as compensation for the wrong committed by the petitioner in violating the order dated 16.3.2010. It would also be debatable as to whether proceedings under Order 39 Rule 2 (A) CPC would terminate along with decision of the suit.

Admittedly, the suit for permanent injunction filed by the plaintiff respondent has been decreed by the trial Court. The decree has been upheld by the lower Appellate Court and Regular Second Appeal is statedly pending in the High Court.

During the course of interaction, learned counsel for the respondent, on instructions from respondent-Raj Kumar, present in Court, states that the amount of Rs.30,000/- deposited by the petitioner be paid to respondent as compensation for the wrong committed by the petitioner in violating the order dated 16.3.2010 passed by the trial Court. At one point of time, even FIR was registered for the relevant offences, but later on the same was cancelled after filing cancellation report by the police and acceptance thereof by the

competent Court.

Taking into consideration the facts and circumstances of the case, I deem it appropriate to accept the consensus arrived at between the parties during the course of arguments. Petitioner is ready to part with the amount of Rs.30,000/- so deposited by him as compensation payable to the respondent. On the other hand, respondent has agreed to accept the amount towards full and final settlement of the controversy. No proceedings are pending in any criminal court except, the civil imprisonment as ordered by the Courts below.

For the reasons recorded herein above, I deem it appropriate to dispose of this revision petition as the parties to the lis have settled the grievance amicably. The amount so deposited by the petitioner shall be paid to the respondent on his proper identification by his counsel.

Petition stands disposed of accordingly.

The aforesaid disposal of the case would not affect merits of the pending Regular Second Appeal in any manner.

October 30, 2019

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/Speaking
*Whether reportable***

**Yes/No
Yes/No**