

CR-6654-2018 (O&M)

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

**CR-6654-2018 (O&M).
Decided on: May 6, 2019.**

Harvinder Kaur

.. Petitioner

VERSUS

Sarabjeet Kaur and others

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL

*** * ***

**PRESENT Mr.B.S.Ichhewal, Advocate,
for the petitioner.**

**Mr.M.S.Virdi, Advocate,
for respondent Nos.1 to 3.**

AMIT RAWAL, J. (ORAL)

The short point involved in the present case is whether the respondents-plaintiffs can claim declaration by challenging Mutation No.2337, sanctioned on the basis of alleged *Khangi Will dated 25.3.2012*, on the basis of the compromise effected in the previous round of litigation resulting into withdrawal of the suit. Whether a fresh separate suit challenging the compromise sought to be incorporated by way of

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amendment would lie. The answer would be “**NO**”. In fact the remedy is to seek revival of the suit on the premise that the compromise has not been adhered to.

Faced with this situation, counsel for the petitioner submits that he may be permitted to withdraw the present suit with liberty to revive the previous suit in case the parties fall out of the terms of compromise dated 13.2.2013.

In such circumstances, the impugned order dated 25.5.2018 (Annexure P4), has become infructuous as the same would pale into insignificance.

Disposed of with liberty aforementioned.

May 6, 2019.
raj arora

(AMIT RAWAL)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No