

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

Sr. No.203

CR No.7440 of 2017 (O&M)

Date of decision: 11.09.2019

National Institute of Engineering, Technology and Management Society
....Petitioner

versus

Hoshiar Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Ajay Jain, Advocate
for the petitioner.

Mr. Virender Kumar, Advocate for
Mr. Vikas Kuthiala, Advocate
for respondents No.2 to 6.

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DEEPAK SIBAL, J. (Oral)

Respondents No.20 and 21 filed a suit through which they sought themselves and the proforma defendants in the suit to be declared owners in possession of the property detailed and described by them in para no.1 of their plaint. During the pendency of the suit, a compromise was arrived at between the parties in which half of the suit property came to the share of the plaintiffs and proforma defendants and the other half to the contesting defendants. On the basis of the aforesaid compromise, on 13.11.2010, the Trial Court decreed the suit.

Thereafter, an application was preferred by respondents No.2 and 3 on their behalf as also on behalf of respondents No.4 to 6 questioning therein the aforesaid compromise and the decree of the Trial Court dated 13.11.2010. The said application was allowed by the Trial Court on 26.09.2016 resulting in the setting aside of the compromise decree dated

13.11.2010 and restoration of the suit to its original number. Order dated 26.09.2016 has been challenged by the petitioner before this Court who derives its right to maintain the present petition as vendee from respondents No.17 to 21.

Since respondents No.1 to 6 were the only contesting respondents notice in this petition was only issued to them. Through order dated 26.09.2018, service of respondent No.1 was dispensed with by this Court. Respondents No.2 to 6 have put in appearance through counsel who submits that the petitioner and respondents No.2 to 6 have compromised the matter. An affidavit in this regard has also been placed on the record as Annexure P-13 as per which respondents No.2 to 6 have no objection if the present petition is allowed resulting in the setting aside of the order impugned in the present proceedings and consequent revival of the compromise decree of the Trial Court dated 13.11.2010.

In view of the above settlement between the contesting parties, the present petition is allowed. Resultantly, the order of the Trial Court dated 26.09.2016 is set aside and the decree of the Trial Court dated 13.11.2010 stands revived.

A copy of this order be forwarded to all the unrepresented respondents. In case any of them are aggrieved by the passing of the present order, they are at liberty to approach this Court by filing of an appropriate application.

(DEEPAK SIBAL)
JUDGE

September 11, 2019
Jyoti 1

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No