

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

CR-722-2019 (O&M)

Date of decision: 01.02.2019

Sunil

...Petitioner

Versus

Sanjay and another

...Respondents

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. K.C. Rajput, Advocate
for the petitioner.

H.S. MADAAN, J. (Oral)

Plaintiff Sunil and other had filed a suit for declaration and permanent injunction against defendant Sanjay. That suit was being contested by the defendant. During the pendency of the suit, compromise Ex.C1 was placed on file and a prayer was made on behalf of the plaintiffs for decreeing the suit on the basis of written compromise Ex.C1. Statements of the parties were recorded with regard to the compromise. On 18.02.2016, the Court adjourned the case to 07.04.2016 for arguments. The matter remained pending. Defendant had moved an application dated 16.08.2016 for withdrawal of the compromise and statement dated 18.02.2016 for the reason that plaintiffs had not performed their part of the compromise. As such, defendant wanted to withdraw his statement dated 18.02.2016. That application was dismissed. Matter remained pending. On 10.12.2018,

the trial Court heard arguments with regard to compromise.

Counsel for the plaintiffs submitted that compromise had been placed on file by the defendant himself as a result of agreement between the parties and accordingly, the suit be decreed in terms thereof, whereas, contention of learned counsel for the defendant was that the compromise was result of fraud practised upon the defendant by the plaintiffs and was not agreement between the parties, vide impugned order dated 10.12.2018. The trial Court found that it was not safe to rely upon the document Ex.C1 and pass a decree on the basis thereof since authenticity and genuineness of the compromise was itself was in question. Therefore, prayer for decreeing the suit on the basis of compromise Ex.C1 made on behalf of the plaintiffs was declined and the case was ordered to be fixed for evidence of the plaintiffs.

Feeling aggrieved, plaintiff Sunil has approached this Court by way of filing the revision petition seeking setting aside of impugned order dated 10.12.2018.

I have heard learned counsel for the petitioner besides going through the record and I find that there is no merit in the revision petition. Unless the parties are unanimous with regard to compromise arrived at between them and give their consent to decide the suit in terms thereof, the Court is not bound to decide the suit in terms of the said written compromise.

Keeping in view the facts and circumstances of the case,

the trial Court has observed that it was not safe to rely upon document Ex.C1 and pass a decree on the basis thereof since its authenticity and genuineness was itself was in question. I do not find any illegality or infirmity with the impugned order rejecting the compromise. Thus, finding no merit in the revision petition, the same stands dismissed.

01.02.2019
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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No