

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA No.4220 of 2000 (O&M)

Date of decision: 25.03.2019

Jai Chand

..... Appellant

Versus

Dayal Chand

..... Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. C.B. Goel, Advocate
for the appellant.

Mr. S.K. Jain, Advocate
for the respondent.

ANIL KSHETARPAL, J. (ORAL)

Defendant-appellant is in the regular second appeal against the judgments passed by the Courts below.

During the course of arguments, learned counsel for the parties have arrived at a consensus and have submitted that let the judgment and decree passed by both the Courts below be set aside and the trial Court should be requested to re-decide the suit after framing the issue with regard to validity of the alleged adoption of the defendant by the plaintiff as also examine the issue with regard to maintainability of the suit in view of bar under Order 23 Rule 3-A of the Code of Civil Procedure as the decree dated 28.08.1997 is not a consent decree rather the decree is passed on a compromise Ex.C-X.

Learned counsel for the respondent has submitted that the trial

Court would not allow the plaintiff to contend that the suit is maintainable

in view of the observations made above, therefore, it should be clarified.
Needless to mention that the Courts below would re-decide the suit. It shall be open to the parties to raise all objections.

In view of the consensus arrived at, the judgment and decree passed by the Courts below are set aside. The case is remitted back to the trial Court to re-decide the suit.

With these observations, the appeal is disposed of.

The pending miscellaneous application, if any, shall stand disposed of accordingly.

Parties through their counsel are directed to appear before the trial Court on 22.04.2019.

25.03.2019
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No