

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 2278 of 2019 (O&M)
Date of decision: 13.09.2019

Sadhu Singh and others

...Appellants

V/s.

Gurdeep Kaur and another

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI.

Present: Mr.S.S. Salar, Advocate for the appellants.

Mr. A.S. Sra, Advocate for respondent No. 1.

RITU BAHRI, J. (Oral).

The suit filed by the plaintiff Gurdeep Kaur for declaration and permanent injunction was dismissed vide judgment dated 14.02.2018. On appeal, the lower appellate Court has allowed the appeal and set aside the judgment dated 14.02.2018 declaring plaintiff to be owner of 1/5th share in the suit property on the basis of natural succession.

On appeal filed by the defendants, notice of motion was issued on 29.07.2019 and thereafter the matter was referred to the Mediation and Conciliation Centre of this Court. Parties have been mediated by Mr. Swaran Sandhir, Advocate and family settlement has been arrived at between the parties which has been reduced in writing. This family settlement is taken on record as Annexure R-1. The relevant terms and conditions of the agreement is reproduced as under:-

“(iii) It has been further agreed and accepted between the parties that land measuring 11 Kanal shall be share of Gurdeep Kaur out of the total land measuring 76 Kanal 14 Marlas bearing Khewat No. 30, Khatoni No.67, Khasra

No.3054(16-0), 3055(16-0), 3196(13-12), 3197(21-8), 3198(9-14) constituting part of Village Jalal in District Bathinda as per Jamabandi for the year 2004-2005. The parties have further agreed and accepted that remaining land measuring 65 Kanals and 14 Marlas shall be distributed in equal shares of $\frac{1}{4}$ each among Gurcharan Singh, Sadhu Singh, Naurang Singh and Tejinder Singh. Vacant possession of the land coming to the share of Gurdeep Kaur shall be handed over by Gurcharan Singh, Sadhu Singh, Naurang Singh and Tejinder Singh on or before 30.11.2019. Gurdeep Kaur shall occupy, possess and use the land to her share as per her wishes. The canal water from the existing water course corresponding to area i.e. 11 Kanals as per rules of Irrigation Department shall also entitled.

(iv) Parties have further agreed and accepted that the share of Gurdeep Kaur measuring 11 Kanals shall be carved out on South side of Khasra No.3054/3055 bound as under:-

East road, 24 $\frac{3}{4}$ Karams;

West land of Jagsir Singh 24 $\frac{3}{4}$ Karams;

North joint land of parties (now coming to share of four brothers) 80 Karams from Khasra No.3054 and 3055 (40 Karams each);

South land of Jagsir Singh 80 Karams from Khasra No.3054 and 3055 touching Khasra No.3064 and 3065 (40 Karams each).

Site Plan duly signed by all the parties is enclosed”

The parties have further agreed to other conditions of family settlement as well. Gurdeep Kaur has agreed that she will not object quashing of FIR No. 58 dated 05.08.2013, under Sections 419,420,465,467, 468, 471,120-B IPC at Police Station Phul, District Bathinda and all consequent proceedings arising therefrom.

The present appeal is being disposed of keeping in view the family settlement and the judgment and decree passed by the lower

appellate Court is modified accordingly and this family settlement will be considered as part of the decree.

Pending applications stand dismissed.

(RITU BAHRI)
JUDGE

13.09.2019
Divyanshi

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No