

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

RSA No.2758 of 2019 (O&M)

Date of Decision: November 01, 2019

Simro Kaur

...Appellant

Versus

Ram Lubhaya

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. A.D.S. Jattana, Advocate
for the appellant.

Mr. Karanvir Verma, Advocate for
Mr. M.S. Sachdeva, Advocate
for the caveator-respondent.

GPA of the appellant Mukesh Kumar and respondent Ram
Lubhaya in person.

JAISHREE THAKUR, J. (Oral)

CM-7633-C-2019

For the reasons mentioned in the application, the same is
allowed and delay of 03 days in filing the appeal is condoned.

RSA-2758-2019

This is a regular second appeal that has been filed by the
appellant-defendant Simro Kaur seeking to challenge the judgments and
decrees of both the courts below whereby, the suit for possession by way of
specific performance of agreement to sell dated 20.07.2009, as filed by the
respondent-plaintiff Ram Lubhaya, stood decreed.

During the pendency of the instant appeal, an agreement has been reached between the parties wherein, the parties have decided that only 04 Marlas 08 Sarsahahi of land, out of the suit property would be sold to the respondent-plaintiff and a sale deed would be executed in his favour and balance amount of earnest money would be returned to him. In terms of the agreement, a sale deed has been executed on 04.10.2019 and the balance amount of the earnest money has been returned to the respondent-plaintiff.

It has also been agreed between the parties that the execution petition seeking sale deed to be executed in terms of the sale agreement entered into between the parties qua the land measuring 17 Marlas comprised in Khewat No.1004, Khatauni No.1240, Khasra No.912 situated in Kartarpur-II, District Jalandhar, as per jamabandi for the year 2001-2002 would be withdrawn. In terms of the compromise *inter se* between the parties, the execution petition stood withdrawn.

Counsel for the appellant places on record an application seeking to withdraw the instant appeal in terms of the compromise that has been arrived at between the parties. The said application is supported by an affidavit of Mukesh Kumar, GPA of appellant-defendant Simro Kaur. Along with this application, there is an affidavit of respondent-plaintiff Ram Lubhaya, affirming the terms of the settlement. In the said affidavit, there is a positive averment that the matter stands compromised and a sale deed qua 04 Marlas 08 Sarsahahi of land has been executed in his favour and that all disputes stands settled between the parties. Apart from above, the deponent (respondent-plaintiff Ram Lubhaya) has stated that he would no objection in case, the judgment and decree dated 07.09.2015 as rendered by the Civil

Judge (Junior Division), Jalandhar and the judgment and decree dated 30.01.2019 as rendered by the first Appellate Court, Jalandhar are set aside on the basis of compromise.

I have heard counsel for the parties, who are present in court along with their respective clients namely Mukesh Kumar, GPA of the appellant-defendant and respondent-plaintiff Ram Lubhaya.

Since the matter stands compromised between the parties, as noted above, the instant appeal is allowed. In terms of the settlement arrived at between the parties, the judgments and decrees passed by the courts below are modified to the extent that respondent-plaintiff would be entitled to be owner in possession on the basis of sale deed dated 04.10.2019 that has been executed in his favour by the appellant-defendant.

The appeal stands allowed accordingly.

Office to register the application filed today.

November 01, 2019

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No