

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

RSA-2940-2019 (O&M)

Date of Decision: July 18, 2019

Jaswant Singh

...Appellant

Versus

Sukhraj Singh and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. B.D. Sharma, Advocate
for the appellant.

Mr. Lalit Sharma, Advocate
for the respondents.

JAISHREE THAKUR, J. (Oral)

This is a regular second appeal that has been filed by defendant no.1 against the impugned judgement and decree dated 05.02.2019 passed by the Court of Additional District Judge, Amritsar confirming the judgement and decree dated 1st August, 2016 of the Civil Judge, Amritsar whereby the suit filed by the plaintiffs no.1 and 2 for declaration with consequential relief of permanent injunction had been decreed.

In brief, the respondents herein namely Sukhraj Singh and Balraj Singh, both sons of Gurmukh Singh filed a suit for declaration and joint possession in respect of their respective share in joint land measuring 126 kanals 5 marlas as detailed in the jamabandi of the year 2005-2006

situated in village Rakh Jeeta, Tehsil and District Amritsar alongwith other reliefs as mentioned in the head note of the suit. The suit was decreed by the Civil Judge (Jr. Division), Amritsar vide order dated 1st August, 2016 which order was subsequently challenged before the Appellate Authority by Jaswant Singh alone, who had been arrayed defendant no.1 in the plaint. The said first appeal too was dismissed, leading to the present appeal being filed. In the interregnum, the matter stood compromised between the parties and terms and conditions were reduced in writing on 25th April, 2019. The said compromise deed is sought to be placed on the record as Annexure- A1 alongwith CM-8032-C-2019.

Learned counsel for the appellant contends that the appeal may be disposed of in terms of the compromise that has been arrived at between the parties, wherein it has been decided that the plaintiffs, respondents in the instant appeal, will relinquish their rights in the suit property in favour of party no.2 the appellant herein and will not claim execution of the judgement and decree of the both the Courts below. In terms of the compromise, the appellant who is arrayed as party no.2 in the compromise has paid a sum of ₹30 lacs by two cheques amounting to ₹15 lacs each dated 25th April, 2019 drawn on HDFC Bank.

An appearance has been caused by Mr. Lalit Sharma, Advocate on behalf of the respondent nos.1 and 2-the plaintiffs, who are also present in the Court through their counsel. Learned counsel for the said respondents/ plaintiffs admit to the factum of the compromise having been arrived at between the parties and admit to receiving a sum of ₹30,00,000/-

in terms of the said settlement. Further they do not oppose the appeal being allowed in terms of the said compromise.

Consequently I have heard learned counsel for the parties and since the matter stands settled between the parties, the appeal is allowed in terms of the said compromise entered into between the parties and both the judgement and decree of the Courts below stands modified to that extent.

July 18, 2019
seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No