

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

RSA No. 2651 of 2019 (O&M)

Date of decision : 6.11.2019

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Rubrinder Singh and others

.....Appellants

vs.

Satwinder Kaur

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Veneet Sharma, Advocate for the appellants.

Satwinder Kaur – respondent in person with
Mr. Deepak Aggarwal, Advocate

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H. S. Madaan, J. (Oral)

Learned counsel for the appellants states that the matter has since been compromised between the parties.

A perusal of the record goes to show that Satwinder Kaur had brought a Civil suit No. 52 of 2009 against defendants - Rubrinder Singh, Harmanjot Singh – sons of Kultaran Singh and Kultaran Singh himself, seeking joint possession of the land to the extent of $\frac{1}{2}$ share, in total land measuring 33 kanals 11 marlas, situated at village Amdabad, Tehsil Batala, District Gurdaspur, on the basis of natural succession, being one of the legal heirs of Smt. Gurcharan Kaur, the earlier owner of the land. That Civil suit was

contested by the defendants and they had set up a Will dated 19.10.1983, said to have been executed by Smt. Gurcharan Kaur in favour of defendants No. 1 and 2. The suit was however, dismissed by Civil Judge (Junior Division), Batala, vide judgment and decree dated 25.3.2015.

Feeling aggrieved, the plaintiff, had preferred an appeal to District Judge, Gurdaspur, which was assigned to Additional District Judge, Gurdaspur, who vide judgment and decree dated 2.5.2019, accepted the appeal, setting aside the judgment and decree passed by the trial court and decreed the suit of the plaintiff.

Feeling dissatisfied with the said judgment and decree, the defendants have approached this Court by way of filing the present Regular Second Appeal.

During pendency of that appeal, the matter has been compromised between the parties.

At this stage, respondent – Satwinder Kaur has appeared in person in Court with Mr. Deepak Aggarwal, Advocate. She states that the compromise has in fact taken place between the parties. Original compromise alongwith supporting documents has been placed on the file. Affidavit of Satwinder Kaur has also been filed. The respondent states that she has no objection if the appeal is accepted in terms of the compromise and judgment in her favour, passed by the Additional District Judge, Gurdaspur, is set aside.

Accordingly, the present appeal is accepted. The judgment and decree dated 2.5.2019, passed by learned Additional District

Judge, Gurdaspur, are hereby set aside. Resultantly, the suit for joint possession filed by plaintiff Satwinder Kaur, against defendants Rubrinder Singh etc., stands dismissed.

6.11.2019
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(H.S. Madaan)
Judge

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