

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH
106

Date of decision: 11.09.2019

**CM-9292-CWP-2019 &
CM-12650-CWP-2019 &
CWP-1807-2016**

M/S GAZEBO DEVELOPERS PVT LTD

...PETITIONER

V/S

FINANCIAL COMMISSIONER APPEALS PUNJAB AND OTHERS

...RESPONDENTS

**WITH CM-9277-CWP-2019 &
CM-12620-CWP-2019 &
CWP-1951-2016**

M/S GAZEBO DEVELOPERS PVT. LTD.

...PETITIONER

V/S

FINANCIAL COMMISSIONER, APPEALS PUNJAB AND ORS.

...RESPONDENTS

**WITH CM-9302-CWP-2019 &
CM-12651-CWP-2019 &
CWP-1956-2016**

M/S GAZEBO DEVELOPERS PVT. LTD.

...PETITIONER

V/S

FINANCIAL COMMISSIONER, APPEALS PUNJAB AND ORS.

...RESPONDENTS

**WITH CM-9297-CWP-2019 &
CM-12642-CWP-2019 &
CWP-1941-2016**

M/S GAZEBO DEVELOPERS PVT. LTD.

...PETITIONER

V/S

FINANCIAL COMMISSIONER, APPEALS PUNJAB AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Atul Lakhanpal, Sr. Advocate,
with Mr. Arvind Pal Singh, Advocate,
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab,
for the State.

Mr. Rai Singh Chauhan, Advocate,
for the applicant/respondent No. 2.

AUGUSTINE GEORGE MASI, J. (ORAL)

CM-12650-CWP-2019 IN CWP-1807-2016

CM-12620-CWP-2019 IN CWP-1951-2016

CM-12651-CWP-2019 IN CWP-1956-2016

CM-12642-CWP-2019 IN CWP-1941-2016

Prayer in these applications on behalf of respondent No. 2-M/s
Royal Industries Limited is for placing on record an affidavit to the effect
that the matter has been compromised between the parties.

Notice of the applications.

Mr. Arvind Pal Singh, Advocate, accepts notice on behalf of
the non-applicant/petitioner and states that he has no objection to the prayer
made in the application.

In view of the above, these applications are allowed subject to
just exceptions. Affidavit of respondent No. 2-M/s Royal Industries
Limited is taken on record.

On the joint request made by the counsel for the parties, the
hearing of the main cases, which are fixed for 11.11.2019, is preponed and
the same are taken on Board.

CWP Nos. 1807, 1941, 1951 and 1956 of 2016

Counsel for the parties submit that in the light of the
compromise, which has been entered into between the parties, according to
which, the mutation has to be sanctioned in favour of the petitioner M/s

Gazebo Developers Pvt. Ltd., Ludhiana on the basis of the Sale Deed, as detailed in para-6 of the affidavit dated 28.08.2019 of Sh. Harbhajan Singh son of Sh. Sardha Singh, Managing Director of respondent No. 2, these writ petitions may be allowed. It has further been stated in the affidavit that initially the suit for declaration along with the application for stay under Order 39 Rules 1 & 2 CPC was preferred when the prayer for granting temporary injunction was declined, appeal against the same was preferred and it is at that stage of the appeal that a compromise was entered into between the parties. In pursuance thereof, the appeal and the civil suit preferred by respondent No. 2 have been withdrawn on 15.01.2019 and 10.01.2019 respectively.

In view of the above, these writ petitions are allowed as per the compromise which has been entered into between the parties. The impugned order dated 02.12.2015 passed by the Financial Commissioner, Punjab is, hereby, set aside. The Assistant Collector, Ludhiana, shall proceed to sanction the mutation as per the compromise entered into between the parties.

CM-9292-CWP-2019 IN CWP-1807-2016

CM-9277-CWP-2019 IN CWP-1951-2016

CM-9302-CWP-2019 IN CWP-1956-2016

CM-9297-CWP-2019 IN CWP-1941-2016

In view of the disposal of the main writ petitions, these applications have been rendered infructuous and the same are disposed of as such.

September 11, 2019

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable : Yes/No