

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

CM-11949-C-2019 in/and
RSA No.2030 of 2008 (O&M)
Date of Decision: September 17, 2019

Harbans Kaur

...Appellant

Versus

Gurcharan Lal

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. C.B. Goel, Advocate
for the applicant-appellant.

Mr. S.S. Momi, Advocate
for the respondent.

JAISHREE THAKUR, J. (Oral)

This is an application (CM-11949-C-2019) that has been filed seeking permission to place on record compromise and statements of both the parties (Annexures A-1 to A-3) with a prayer to accept the appeal (RSA No.2030 of 2008) of the appellant-defendant and dismiss the suit of the respondent-plaintiff.

In fact, a dispute arose between the parties regarding agreement to sell Ex.P1, which was executed on 02.01.2002. However, as the sale deed was not executed in terms of the agreement to sell, respondent-plaintiff Gurcharan Lal preferred a suit for specific performance of the agreement to sell, which was decreed by the lower court on 30.11.2005. Subsequently, an

appeal was preferred by the appellant-defendant, which too was dismissed by the first Appellate Court, leading to the filing of the present regular second appeal.

Mr. C.B. Goel, Advocate for the appellant-defendant contends that the proceedings of the executing court were stayed, however, before the executing court a compromise dated 29.08.2019 has been effected. It is submitted that as per the compromise, the suit filed by the respondent-plaintiff herein is to be dismissed, allowing the appeal of the appellant-defendant.

Counsel for the respondent-plaintiff endorses the submission of counsel for the appellant.

In view of the above, Annexures A-1 to A-3 are taken on record and the appeal (RSA-2030-2008) is taken up for hearing today. The judgment and decree dated 30.11.2005 of the lower court, affirmed by first Appellate Court vide judgment and decree dated 01.04.2008 are set aside and the original suit filed by the respondent-plaintiff Gurcharan Lal is dismissed on the basis of compromise, with no order as to costs. Consequently, the appeal is disposed of in terms of the compromise arrived at between the parties.

September 17, 2019

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No