

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

**R.S.A. No. 4491 of 2012 (O&M)
DATE OF DECISION :- October 24, 2019**

G.P. Dass Aggarwal and another

...Appellants

Versus

Avtar Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Gursharan Singh, Advocate for the applicant.

Mr. Harish Chhabra, Advocate for the respondent.

Briefly stated the facts of the case are that the plaintiffs Avtar Singh and Shiv Lal had filed a suit against defendants G.P. Dass Aggarwal and Anil Kumar seeking a declaration that sale deed dated 8.4.2002 executed by defendant No. 3 (Shiv Lal) in favour of defendant Nos. 1 and 2 (G.P. Dass Aggarwal and Anil Kumar) in respect of land measuring 9 Biswas comprised in Khata No. 64/94, Khasra No. 138 (7-17) to the extent of 5/157th share = 5 Biswas and and Khata No. 64/94, Khasra NO. 142 (0-16), 141 (0-6), 99 (0-18), total Kitte 3, total land measuring 2 Bighas to the extent of 4/40th share =4 Biswas, situated at village Dharampur, District Panchkula and mutation sanctioned on basis thereof are illegal, null and void and that plaintiff is in possession of the said land allegedly alienated vide impugned sale deed and in addition to that seeking a decree for

permanent injunction restraining the defendants or persons claiming under them from interfering in peaceful possession of land.

On getting notice, defendants Nos. 1 and 2 put in appearance and offered a contest whereas defendant No. 3 did not appear despite service and as such was proceeded against ex-parte.

Learned Civil Judge (Jr. Divn.), Panchkula on conclusion of trial vide judgment and decree dated 31.7.2010 decreed the suit granting relief of permanent injunction to the plaintiff as prayed for. Though the said judgment and decree passed by Civil Judge (Jr. Divn.), Panchkula were challenged in appeal before District Judge, Panchkula which was assigned to Additional District Judge of the same place but vide judgment dated 2.2.2011 the appeal was dismissed with costs.

Still feeling aggrieved, the defendants had approached this Court by way of filing a Regular Second Appeal, notice of which was given to the respondent-plaintiff who had put in appearance before this Court. The matter was referred to Mediation and Conciliation Centre of this Court to explore the possibility of amicable settlement. The matter was settled there and written settlements/compromise was sent to this Court. In view of compromise and conditions agreed upon between the parties, a demand draft for a sum of Rs.11,25,000/- was handed over by learned counsel for the appellants to Avtar Singh-respondent, as identified by his counsel in the Court on 30.8.2019. Three demand drafts in the similar amount of Rs.11,25,000/- were handed over by counsel for the appellants to respondent Avtar Singh as identified by his counsel in the Court on 30.9.2019. As agreed upon between the parties, the Civil Suit No. 267 of

2018 titled 'G.P. Dass Aggarwal versus Avtar Singh etc'. has been withdrawn by plaintiff G.P. Dass Aggarwal from the Court of Additional Civil Judge, Senior Division, Kalka on 14.9.2019. A Photostat attested copy of the order has been placed on file.

Learned counsel for the appellants submits that in view of the settlement the impugned judgments and decrees passed by the said Court be set aside and the suit filed by the plaintiff be dismissed.

The respondent-plaintiff submits that in view of the settlement arrived at between the parties through mediation, he has no objection if it is so done. Accordingly, the appeal is accepted. The impugned judgments and decrees passed by the Courts below are set aside. Resultantly, the civil suit filed by plaintiff Avtar Singh against defendants G.P. Dass Aggarwal and others stands dismissed.

**(H.S. MADAAN)
JUDGE**

October 24, 2019

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No