

CM No. 3280-C-2019 and
CM No. 2512-C-2019 in/and
RSA No. 4761 of 2012

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No. 3280-C-2019 and
CM No. 2512-C-2019 in/and
RSA No. 4761 of 2012
Date of Decision: 08.03.2019

Raj Kumar and another

.....Petitioners

Vs.

Mohan Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ashish Grover, Advocate, for
Mr. H.S. Dhinda, Advocate,
for the applicants-petitioners.

Ms. Neha Jain, Advocate,
for respondents no. 1 and 2.

AMOL RATTAN SINGH, J. (ORAL)

CM No. 3280-C-2019 and CM No. 2512-C-2019

On 14.02.2019, the following order had been passed

“Pursuant to the order dated 7.2.2019, CM No.2512-C of 2019 has been filed, seeking to place on record the compromise arrived at between the parties, with learned counsel appearing for respondents no.1 and 2 also not denying the compromise. However it is seen to be signed only by appellant no.2, Neelam Sharda, and not by appellant no.1, Raj Kumar. As regards the contesting respondents no.1 and 2, i.e. Mohan Singh and Pushpa Rani, they have both signed the compromise deed, with it further seen that the proforma respondents (no.3 to 6) are those who are also shown to be

the legal representatives of the late Hari Mitter, who was the sole defendant in the civil suit, but with the said respondents herein not having preferred an appeal along with the appellants, who are also the son and daughter of the late Hari Mitter.

For obtaining either the signatures of appellant no.1, Raj Kumar, along with his original proof of identity, or a power of attorney duly executed by him in favour of appellant no.2, Neelam Sharda, adjourned to 8.3.2019.”

Today, CM No. 3280-C-2019 has been filed seeking to place on record the affidavit of appellant no. 1 Raj Kumar, in which it is stated that he is in agreement with the compromise reached, as reflected in the compromise deed (annexed with CM No. 2512-C-2019), which otherwise as noticed in the previous order, is seen to be signed by only Neelam Shard/Sharda, i.e. appellant no. 2.

Appellant no. 1 Raj Kumar is also stated to be present in Court, with him having produced his Aadhar Card as proof of identity, the photograph on which seems to match the person present in Court.

That being so, this application (CM No.3280-C-2019 with the accompanying petition) is allowed, with the affidavit of appellant no.1 taken on record. The application seeking that the appeal be disposed of in terms of the compromise reached between the parties (CM No. 2512-C-2019) is also allowed.

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In view of the compromise reached, this appeal is allowed, with the impugned judgment and decree of the learned Additional District & Sessions Judge, Hoshiarpur (in Ist appeal), dated 18.07.2012, set aside and instead the suit decreed as regards the alternative prayer for recovery of money, including earnest

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money and damages, to the extent of Rs. 6,00,000/-, as has been agreed upon by the parties to the compromise entered into between them, the money also stated to have been received by the respondents-plaintiffs (as stated in the compromise deed).

A decree sheet be accordingly prepared with the compromise (deed shown to be dated 06.02.2019 as per the date given under the signatures of the witnesses under thereto), to be made a part of the decree sheet.

March 08, 2019
nitin/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.