

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

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**CM No. 811-C- of 2019 in/and
RSA No. 2522 of 2013 (O&M)**

Date of Decision: 05.02.2019

MUNSHI RAM

.....appellant

Versus

GURDEV SINGH

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.G.C.Shahpuri, Advocate
for the appellant.

Mr.H.S.Jalal, Advocate for
Mr.K.B.S.Mann, Advocate
for the respondent.

RAJ MOHAN SINGH, J.(Oral)

CM No. 811-C- of 2019

Prayer is under Order 23 Rule 2 read with Section 151 CPC for placing on record compromise dated 30.7.018 and to decide the appeal in terms thereof.

For the reasons mentioned in the application, the same is allowed. Compromise dated 30.7.2018 and power of attorney executed by Gurdev Singh in favour of Hardeep Singh are taken on record.

RSA No. 2522 of 2013 (O&M)

The sale deed dated 17.10.2000 was executed in

favour of appellant Munshi Ram. The said sale deed was challenged by respondent Gurdev Singh in a civil suit claiming himself to be owner of the suit property. The suit was decreed and the present appellant Munshi Ram remained unsuccessful in the first appeal before the lower Appellate Court and that is how present Regular Second Appeal came to be filed by the appellant.

During pendency of the appeal, compromise has been effected between the parties. As per terms of the compromise, an amount of ₹ 3,00,000/- has been paid to the second party and the remaining amount of ₹ 1,40,000/- is to be paid before this Court. The second party is required to make a statement before this Court in the context of no objection for setting aside the judgments and decrees passed by the Courts below on the basis of compromise. Respondent Gurdev Singh has executed power of attorney in favour of his grandson Hardeep Singh, son of Makhan Singh. Other two sons of Gurdev Singh have also signed the compromise as a token of confirmation. Legal representatives of Gurdev Singh have no objection in case this appeal is disposed of in terms of compromise.

Hardeep Singh son of Makhan Singh @ Gurlal Singh son of Gurdev Singh and Gurjant Singh and Major Singh, sons of Gurdev Singh are present in Court. An amount of ₹ 1,40,000/-

has been paid to Hardeep Singh son of Makhan Singh by learned counsel for the appellant in Court today. Hardeep Singh, Gurjant Singh and Major Singh have stated by way of their individual affidavits that the compromise has been lawfully effected between the parties. An amount of ₹ 3,00,000/- has already been paid to them by the appellant and the remaining amount of ₹ 1,40,000/- has been paid in Court today. They have no objection in case this appeal is disposed of in terms of compromise. Affidavits of Hardeep Singh, Gurjant Singh and Major Singh are taken on record as Ex.C-1 to Ex.C-3.

Appellant is also present in Court. The miscellaneous application has been filed duly supported by an affidavit of the appellant. The appellant has reiterated his stand in the application as well as in the affidavit. The affidavit of appellant Munshi Ram is also taken on record as Ex.C-4.

In view of compromise entered into between the parties, the present appeal is allowed. Impugned judgments and decrees passed by the Courts below are set aside. The compromise, Ex.C-5, shall form part of the decree. Normal consequences to follow.

February 05, 2019
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(RAJ MOHAN SINGH)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes/No
Yes/No