

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

RSA No.1392 of 2016 (O&M)
Date of Decision.25.03.2019

Dalbir Singh

...Appellant

Vs

Ashok Kumar and others

...Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Prem Nath Aggarwal, Advocate
for the appellant.

-.-

AMIT RAWAL J. (ORAL)

Learned counsel for the appellant submitted that the appellant-plaintiff had sought declaration to be owner in possession of the suit land as mentioned in para 1 of the plaint and permanent injunction restraining defendants from interfering into possession and raising construction over the plot in dispute. One of the reasons claiming the relief was also based on a compromise Ex.P5, resulting into the statement Ex.P3 and P4 in some other proceedings. Since the compromise order Ex.P5 is dated 22.09.2007 and can still be executed as the limitation is 12 years, on 20.02.2019, this Court after hearing the arguments passed the following order:-

“Learned counsel for the appellant seeks short accommodation to take instructions from his client with regard to the withdrawal of the appeal with liberty to seek implementation of the compromise recorded in the order dated 22.09.2007 (Ex.P5).

Adjourned to 15.03.2019.”

It was also pointed out that the Court negated plea with

regard to declaration on certain reasons but granted injunction on the basis of possession, thus, same may be ordered to be upheld.

In view of the statement made by counsel for the appellant, the present appeal is dismissed as withdrawn with liberty to seek implementation of the compromise dated 22.09.2007 (Ex.P5) while upholding the decree qua injunction in the absence of any challenge by opposite side.

(AMIT RAWAL)
JUDGE

March 25, 2019

Pankaj*

Whether Reasoned/Speaking Yes

Whether Reportable No