

C.M. No. 6846-C of 2019 in
RSA No. 3801 of 2013 (O&M)
Date of decision : May 29, 2019

Lachhman Singh

.....Appellant

Versus

Ram Singh and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Sanjay Majithia, Senior Advocate with
Mr. Inderjeet Singh, Advocate
for the appellant.

None for the respondents.

LISA GILL, J.

This appeal has been filed by the appellant - defendant challenging judgment and decree dated 14.11.2009 passed by the learned Additional Civil Judge (Senior Division), Amritsar as well as judgment and decree dated 26.09.2012 passed by the learned Additional District Judge, Amritsar.

It is submitted that the plaintiff – Ram Singh filed a suit for partition by metes and bounds, for mesne profits, rendition of accounts against the present appellant and the proforma respondents. His suit was decreed on the ground that his previous suit for joint possession of 18 kanal 10 marla of land was decreed on 21.05.1983. First appeal against the said judgment was dismissed on 23.07.1986 and Regular Second Appeal was also dismissed by this Court. An application was filed by the decree holder Ram Singh for passing of the final decree. Said application was allowed in terms as mentioned in judgment dated 14.11.2009 passed by the learned

Additional Civil Judge (Senior Division), Amritsar and the same was

upheld by the learned Additional District Judge, Amritsar vide impugned judgment dated 26.09.2012. Being aggrieved, present appeal was filed by the appellant.

Learned counsel for the applicant-appellant submits that a share in the constructed house of Lachhman Singh had been given to Ram Singh. During the pendency of this appeal, the matter has been amicably resolved between the parties. A sum of ₹10 lakhs by way of two demand drafts of ₹5 lakhs each have been handed over to respondent No. 1, who has withdrawn the execution proceedings initiated by him as being fully satisfied. Certified copy of order dated 01.12.2018 passed by the learned Civil Judge (Junior Division), Amritsar is attached with CM No. 6846-C of 2019 filed by the appellant seeking disposal of the appeal in terms of the compromise. Certified copies of the statement of the parties alongwith its translation are also attached alongwith this application. A copy of this application has been duly received by learned counsel for respondent No. 1 but there is no representation on his behalf. Respondents No. 2 and 3 were proceeded against exparte before the learned Additional Civil Judge (Senior Division), Amritsar and no appeal was preferred by them against decision dated 14.11.2009.

Keeping in view the facts as mentioned in the application, duly accompanied by an affidavit of the appellant, application is allowed and the present appeal is disposed of in terms of compromise arrived at between the parties.

Needless to say, in case, there is any factual error, liberty is afforded to respondents to move necessary application in this appeal within

one month from the date of receipt of a copy of this order.

Copy of this order be conveyed to respondents at the address
available in the memo of parties.

May 29, 2019
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No