

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

R.S.A No.1980 of 2016(O&M)

Date of Decision:02.09.2019

Sharanjit Singh and another

.....Appellants

Versus

Deepak Kapoor and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Sharad Mehra, Advocate
for the appellants.

Mr. Gursimranjit Singh, Advocate
for Mr.APS Sandhu, Advocate
for the respondents.

LISA GILL, J(Oral).

Appellant-defendants, are aggrieved of judgement and decree dated 09.02.2015, passed by the learned Additional Civil Judge (Sr. Division), Amritsar, as well as judgement and decree dated 08.02.2016 passed by the learned Additional District Judge, Amritsar.

The parties were referred to the Mediation and Conciliation Centre of this Court vide order dated 16.08.2017.

Learned counsel for the parties submit that the matter has been amicably resolved between the parties. The terms and conditions of the settlement have been reduced into writing on 29.11.2017. Relevant terms and conditions of the settlement read as under:-

- (a) That a case FIR No. 425 dated 01/12/2005 under Section 447/427/341/379/506/34 IPC was registered on the statement of the second party at Police Station 'A' Division, Amritsar against the first party. The second party suffered the statement and the abovesaid FIR was compounded and accordingly, accused is discharged in the present case vide order dated 12.10.2017 passed by J.M.I.C., Amritsar, copy of the order passed by the

J.M.I.C., Amritsar is attached herewith as Annexure A-1.

- (b) That the first party filed a Civil Suit bearing No. 2370/188/15 dated 05.10.2015 for permanent injunction against the second party and the same has also been withdrawn by the first party on 16.10.2017 and copy of the order passed by the Civil Judge (JD), Amritsar is attached herewith Annexure A-2.
- (c) That another suit bearing No. 122 dated 21.05.2016 for the partition was filed by the first party and the same was also dismissed as withdrawn vide order dated 10.10.2017, copy of which is attached herewith as Annexure A-3.
- (d) That appeal under Order 43 Rule 1 CPC was filed by the first party against the second party, the same was also dismissed as withdrawn on the statement of the first party on 09.10.2017. Copy of the order is attached herewith as Annexure A-4.
- (e) That the second party filed Execution Petition under Order 21 Rule 11 CPC, which was also withdrawn on 26.09.2017 by the second party. Copy of the order is attached herewith as Annexure A-5.
- (f) It is agreed between the parties that the first party will get registered the sale deed of 2723 Sq. Yds., of land falling in Khasra No. 1426 situated in Village Verka, Backside A.S.Farm, Batala Road, Amritsar in favour of the second party on or before 31.12.2017. Copy of the map showing details of the land, which is signed by both the parties is attached herewith as Annexure A-6.
- (g) It is also agreed between the parties that the first party will hand over the possession of the land measuring 2723 Sq. Yds., to the second party.
- (h) It is further agreed between the parties that all the expenditure incurred on the Sale Deed will be borne by the second party.
- (i) It is further agreed between the parties that this is full

and final settlement between the parties and after that no claim is pending between the parties and both the parties will not further claim any amount etc., from each other.

- (j) That the first party will withdraw the present RSA No. 1980 of 2016 pending for 11.12.2017 before the Hon'ble High Court in view of the present Settlement/Agreement.
- (k) That is is further agreed between the parties that they will abide by the aforesaid terms and conditions of settlement.”

It is submitted that the present appeal be decided in terms of settlement dated 29.11.2017.

Learned counsel for the appellants further submits that the Court fee in this case be refunded as the matter has been amicably resolved before the Mediation and Conciliation Centre of this Court.

Keeping in view the facts and circumstances of the case, especially the settlement dated 29.11.2017, arrived at between the parties, this appeal is disposed of in terms of the settlement/agreement dated 29.11.2017, which needless to say, shall form part of the decree. It is further directed that the Court fee appended with this appeal, be refunded to the appellants.

02.09.2019
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.