

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

101+102

RSA No.750 of 2013 (O&M)

Date of decision:28.2.2019

Ramesh Chand

... Appellant

versus

Sandeep Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Jagdish Manchanda, Advocate,  
for the appellant  
Mr.R.K.Dhiman, Advocate,  
for the respondents

...

AMOL RATTAN SINGH, J. (Oral)

CM No.3069-C of 2019

Though the dispute between the parties is stated to have been settled as recorded in the order dated 8.2.2019, the accompanying appeal was not disposed of on that date as the legal heirs of respondent no.6, i.e. Smt.Rajesh, had not been brought on record, she having died during the pendency of the appeal.

By this application, the legal representatives of the said respondent, i.e. her husband and minor son, are sought to be impleaded in her place as her legal representatives, with the husband also being a signatory to the compromise deed as has been annexed with CM No.1502-C of 2019, by which the accompanying appeal is sought to be disposed of.

Notice in the application.

Mr.Jagdish Manchanda accepts notice on behalf of the non-applicant-appellant and does not object to it being allowed.

Consequently, this application is allowed and the two persons whose names are given in paragraph 2 of the application, i.e. Surender Kumar, husband of the late Smt.Rajesh, and Atul, minor son of Surender Kumar (represented through his father and natural guardian), are ordered to be impleaded as the legal representatives of respondent no.6 subject to all just exceptions as regards any other legal representatives, which, on query, learned counsel for the applicant states that there is no other child of the late Smt.Rajesh.

CM No.1502-C of 2019

This application is also allowed, by which the accompanying appeal is sought to be disposed of in terms of the compromise reached between the parties.

RSA No.750 of 2013

Respondents no.1 to 3 herein had instituted the suit in the present *lis* seeking a declaration to the effect that the gift deed dated 13.7.2001 allegedly executed by the late Shri Surta, in respect of the suit land, be declared null and void, along with a will dated 13.7.2001 and a lease deed dated 22.8.2001.

The said suit having been decreed by the learned trial Court, with that judgment and decree having been upheld by learned lower appellate Court, the appellant (defendant no.1 in the suit) is in second appeal.

In view of the compromise reached between the parties (copy Annexure A-1 with CM No.1502-C of 2019), which though is not seen to be dated but is shown to be executed by appellant Ramesh Chand and

respondents Sandeep Kumar, Manoj Kumar, Kasturi, Mamta, Mahindro, Baby and Mamto (who is stated to be actually respondent no.4 herein), the appeal is disposed of with the impugned judgments and decrees modified in terms of the said compromise deed, which shall be made a part of the decree sheet, binding on all signatories thereto.

It is to be specifically noticed that respondent no.9 Tej Pal (defendant no.7 in the suit) is not a signatory to the compromise deed, with learned counsel for the parties stating that he was not in fact a beneficiary in the suit property. Naturally, nothing therefore would affect any existing rights (if at all there are any) qua respondent no.9 in terms of the compromise deed, with it to be further noticed that the aforementioned Kasturi, Mahindro, Mamta and Panno @ Mamta are shown to have appended their thumb impressions on the compromise deed, the other parties to it having signed the same.

Disposed of in the aforesaid terms.

28.2.2019  
pk

**( AMOL RATTAN SINGH )**  
**JUDGE**

Whether speaking/reasoned  
Whether Reportable

Yes/No  
Yes/No