

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-828-2015 (O&M)
Date of decision: 07.02.2019

RAJINDER SINGH AND ORS.

.....Appellants

Versus

HARBHAJAN KAUR AND ORS

.... Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr. Rohit Ahuja, Advocate
for the appellants.

Ms. Sonia. G. Singh, Advocate
for the respondent No.1.

Mr. K.S. Boparai, Advocate
for the respondent No.3.

H.S. MADAAN, J (ORAL)

C.M.2463-C-2015

Prayer in this application is for condonation of delay of 707 days in re-filing the appeal. The same is allowed subject to all just exceptions and delay of 707 days in re-filing the appeal is condoned for the reasons mentioned in the application.

The civil miscellaneous application stands disposed of.

C.M.2464-C-2015 & 2465-C-2015

Arguments heard.

The civil miscellaneous applications stands dismissed.

Main Case

Learned counsel for the appellants and learned counsel representing respondent No.3 states that as desired by respondent No.1, three demand drafts, bearing No. 372147 dated 04.02.2019 drawn on Punjab & Sind Bank amounting to a sum of Rs. 32,50,000/- (Rs. Thirty two lakhs and fifty thousand only), bearing No. 998212 dated 04.02.2019 drawn on State Bank of India amounting to a sum of Rs. 16,25,000/- (Rs. Sixteen lakhs and twenty five thousand only) and bearing No. 998213 dated 04.02.2019 drawn on State Bank of India amounting to a sum of Rs. 16,25,000/- (Rs. Sixteen lakhs and twenty five thousand only), all in favour of Kanwaljit Singh Dhillon, attorney of respondent No.1 Harbhajan Kaur in this appeal, who was plaintiff in the trial Court and in whose favour, decree had been passed, have been handed over to Ms. Sonia. G. Singh, Advocate representing respondent No.1 who in turn, has given those three drafts to Sh. Kanwaljit Singh Dhillon as identified by her who is also present in the Court.

Learned counsel representing respondent No.1 plaintiff Harbhajan Kaur states that she has no objection if the appeal is accepted and judgments and decrees passed by the Courts below are set aside. Similar is the prayer made by learned counsel for the appellants and respondent No.3, since respondent No.3 is stated to have common interest with the appellants.

Accordingly, in view of the compromise arrived at between the parties, the present appeal is accepted, and the judgments and decrees passed by the Courts below dated 22.11.2006 and 11.09.2012, respectively are set aside. Resultantly, the suit for declaration holding respondent No.1 plaintiff to be the owner of suit land, to the extent of 1/3rd share and the impugned sale deeds executed by defendant No.1-Natha Singh

(since deceased) represented through his legal heirs to be null and void, is dismissed in toto. The judgment and decree passed in appeal affirming judgment and decree passed by the trial Court are also set aside. Parties are left to bear their own costs.

Appeal is allowed in the above-said terms.

(H.S. MADAAN)
JUDGE

07.02.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No