

In the High Court of Punjab and Haryana at Chandigarh

**RSA- 1856 of 2018 (O&M)
Date of Decision: 2.11.2019**

Hazura Singh (since deceased) through Lrs.

---Appellant

versus

Mohan Lal and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

**Present: Ms. Daljit Kaur, Advocate
for the appellant**

**Mr. Malkit Singh, Advocate,
for respondent No. 1**

Rekha Mittal, J.

CM No. 5176-C of 2018

Prayer in this application is for impleading legal representatives of Hazura Singh appellant (since deceased).

In view of averments made in the application supported by an affidavit of Surinder Singh son of the appellant and arguments advanced by counsel for the applicant, the application is allowed and persons mentioned in para No. 3 of the application are allowed to be brought on record as legal representatives of Hazura Singh-appellant (since deceased), for the purpose of present lis only, subject to just exceptions.

Disposed of accordingly.

Main case

Challenge in the present appeal has been directed against judgments and decrees passed by the courts whereby suit for declaration

with consequential relief of permanent injunction filed by the appellant-plaintiff was dismissed by the trial court, vide judgment and decree dated 15.10.2015 that came to be affirmed in appeal by the Additional District Judge, Jalandhar.

Notice of motion was issued to examine possibility of an amicable settlement between the appellant (since deceased) represented by LRs and respondent No. 1. A relevant extract therefrom reads as follows:-

“Counsel for the appellant made submissions at length but when the Bench was not agreeable, he would state that the appellant is ready to settle the dispute and a limited notice may be issued to respondent No. 1 to explore possibility of an amicable settlement.

In view of the above, limited notice of motion to examine possibility of an amicable settlement between the appellant (since deceased now represented by his Lrs) and respondent No. 1.

Sh. Malkit Singh, Advocate, accepts notice on behalf of respondent No. 1 but would state that there does not appear any possibility of an amicable settlement.

The parties are directed to appear before the Mediation and Conciliation Centre of this court on 7.5.2019, to explore possibility of an amicable settlement.

For awaiting report, adjourned to 19.7.2019.”

The mediation proceedings remained unsuccessful. On 24.10.2019, counsel for the appellant sought adjournment to enable the appellant to settle the dispute by way of out of court settlement. Though counsel for respondent No. 1 expressed that there is no possibility of any compromise between the parties but still an opportunity was provided to the appellant to settle the dispute.

Counsel for the appellant would state that he has no instructions if the appellant is able to arrive at an amicable settlement with respondent No. 1. However, counsel for respondent No. 1 would state that there is no compromise between the parties. Since the appellant has failed to settle the dispute with respondent No. 1 and notice of motion was limited to examine possibility of amicable settlement between the appellant and respondent No. 1, nothing survives for consideration of this court.

Disposed of. As the appeal has been disposed of, in view of the above observation, application for condonation of delay is of academic relevance.

(Rekha Mittal)
Judge

2.11.2019

PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No