

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CM No.4197-C of 2019 in/and
RSA No.2029 of 2018 (O&M)
Date of decision:3.4.2019

Jagtar Singh

... Applicant-appellant

versus

Gamdoor Singh

... Respondent

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

Present: Mr.Munish Gupta, Advocate,
for the applicant-appellant
...

AMOL RATTAN SINGH, J. (Oral)

CM No.4197-C of 2019

Yesterday, the following order had been passed:-

“By this application, withdrawal of the accompanying appeal is sought by the applicant-appellant, on the ground that the matter has been compromised between the parties, with a compromise deed dated 07.03.2019 having been annexed along with the application.

“The application is accompanied by the affidavit of the applicant-appellant, Jagtar Singh.

“Learned counsel appearing for the non-applicant respondent does not dispute the contentions made in the application.

“However, a request has been made by learned counsel appearing for the applicant-appellant for him to address

arguments tomorrow on refund of the Court fee paid at the time of filing of this appeal.

“On his request, adjourned to 03.04.2019.”

Today, learned counsel for the applicant-appellant draws attention to Section 89 of the Code of Civil Procedure, 1908, the relevant provisions of which read as follows:-

“89. Settlement of disputes outside the Court.- (1) Where it appears to the Court that there exist elements of a settlement which may be acceptable to the parties, the Court shall formulate the terms of settlement and give them to the parties for their observations and after receiving the observations of the parties, the Court may reformulate the terms of a possible settlement and refer the same for-

- (a) arbitration;
- (b) conciliation;
- (c) judicial settlement including settlement through Lok Adalat; or
- (d) mediation.

2. Where a dispute has been referred-

- (a) xx xx xx
- (b) xx xx xx
- (c) xx xx xx
- (d) for mediation, the Court shall effect a compromise between the parties and shall follow such procedure as may be prescribed.”

That being so, even though mediation proceedings did not succeed, inasmuch as the report of the learned Mediator dated 30.7.2018 is to the effect that such proceedings remained unsuccessful (both parties having been referred to the Mediator Mediation and Conciliation Center of this Court vide an order dated 10.5.2018 passed by this Court), yet with the dispute having been amicably settled thereafter between the parties themselves on 7.3.2019, vide the compromise deed annexed along with this application, and no further effective proceedings having taken place before this Court after 10.5.2018, I see no impediment in directing that the court fee paid by the applicant-appellant be refunded to him, the matter having been amicably settled.

Consequently, this application is allowed.

RSA No.2029 of 2018 (O&M)

In view of the compromise arrived at between the parties, the appellant no longer wishing to pursue this appeal, it is dismissed as withdrawn, with the court fee filed by him to be refunded to him as per the procedure laid down in the Court Fee Act, 1870.

3.4.2019
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No