

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM-8908-C-2019 in/and RSA-2582-2017 (O&M)
Date of decision: 16.07.2019

M/s DVM Realtors Pvt. Ltd. and another

... Appellants

Versus

Harender Dixit and others

... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. Nirbhay Singh, Advocate,
for respondents No.1 & 2.

Ms. Usha Rani, Advocate, for
Mr. Rakesh Kumar Sharma, Advocate,
for respondent No.3.

JAISHREE THAKUR, J. (ORAL)

CM-8908-C-2019

This is an application that has been filed under Order 22 Rule 10 read with Section 151 CPC for impleading Bhushan Singla son of Rishi Kumar Singla as appellant No.2.

Issue notice of the application.

Mr. Nirbhay Singh, Advocate, accepts notice on behalf of respondents No.1 & 2. He does not oppose the said prayer.

For the reasons mentioned therein, the application is allowed.

Bhushan Singla son of Rishi Kumar Singla is impleaded as appellant No.2.

Amended memo of parties is taken on the record.

RSA-2582-2017

The main case is listed for 18.09.2019. In view of the fact that the matter has already been compromised, the matter is pre-poned and is taken on the Board today itself.

This is a Regular Second Appeal that has been filed seeking to challenge the order of the first Appellate Court dismissing the suit for specific performance as filed by the appellant No.1 herein.

Appellant No.1 M/s DVM Realtors Pvt. Ltd. had filed a suit for permanent injunction and for specific performance against respondents Mahender Dixit and Harender Dixit, which suit was decreed by the Addl. Civil Judge (Sr. Divn.), Palwal by judgment dated 30.10.2013.

In appeal, the Addl. District Judge, Palwal reversed the findings dismissing the suit which led to the filing of the instant appeal.

Learned counsel for the appellants would contend that during the pendency of the proceedings before the High Court, the appellant No.1 has entered into an agreement with Bhushan Singla, who has been impleaded as appellant No.2 by CM-8908-C-2019. In fact, the appellant Bhushan Singla has already entered into an agreement with respondents No.1 & 2 and the terms have been settled in the agreement dated 08.02.2019 and based on the said agreement land measuring 07K-18Ms shall vest with appellant No.2, namely Bhushan Singla and land measuring 07K-06M shall vest with respondents No.1 & 2, namely Harender Dixit and Mahender

Dixit.

Counsel for appellants No.1 & 2 submit that they do not press the appeal against respondent No.3 and withdraw the same.

Learned counsel appearing on behalf of respondents No.1 & 2 does not dispute this factual position and also prays for the appeal to be disposed of in terms of the agreement entered into between the parties.

I have heard learned counsel for the parties and have also gone through the record that has been placed on the file.

The prayer made for withdrawal of the appeal against respondent No.3 is allowed and the appeal qua respondents No.1 & 2 is disposed of in terms of the compromise arrived at between the parties. The judgment and decrees of both the Courts below are modified and are to be read in terms of the compromise arrived at between the parties and available on the record as Annexure A-1.

16.07.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.