

RSA No. 4709 of 2017 (O&M)

Date of decision : March 26, 2019

Parmal Singh and others

.....Appellants

Versus

Palwinder Kaur and another

....Respondents

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: None.

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**LISA GILL, J.**

This appeal has been filed by the appellants – defendants being aggrieved of judgment and decree dated 04.07.2016 passed by the learned Additional Civil Judge (Senior Division), Naraingarh as well as judgment and decree dated 15.09.2017 passed by the learned District Judge, Ambala.

Respondent – plaintiff's suit for recovery of ₹7,41,700/- was decreed by the learned trial Court while observing that agreement to sell dated 09.06.2000 between the parties/predecessor-in-interest stands admitted by the defendants and has been upheld up to this Court. Suit for specific performance of agreement dated 09.06.2000 was dismissed by the learned trial Court on 11.04.2008, however, appeal was allowed on 21.08.2009 (Ex.P11) and defendants No. 1 to 3 were directed to execute the sale deed in favour of Tek Chand/father of respondent-plaintiff Palwinder Kaur. Tek Chand was directed to deposit the loan amount outstanding qua defendants No. 1 to 3, which was done by Tek Chand but the sale deed was not executed. Appeal filed by the present appellants against Ex.P11 was dismissed by this Court on 08.01.2014 (Ex.P1). In this situation, suit for recovery filed by Palwinder Kaur was decreed.

The matter was adjourned on various occasions at request of learned counsel for the appellants. It was stated before this Court on 20.08.2018 that the matter is being amicably resolved between the parties. The matter was, accordingly, adjourned. Following order was passed on the last date of hearing:-

“ Learned counsel for the appellants is stated to be indisposed.

List on 26.03.2019.

Terms and conditions of the settlement, if any, be placed on record before the next date of hearing.

In case, compromise is not arrived at, arguments be addressed on merits.”

Today, despite the matter being called twice, there is no representation on behalf of the appellants. It appears that the appellants are no longer interested in pursuing this appeal.

Appeal is, accordingly, dismissed in default.

Copy of this order be conveyed to appellants on their available address.

March 26, 2019  
rts

**(Lisa Gill)**  
**Judge**

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|-----------------------------|--------|
| Whether speaking/reasoned : | Yes/No |
| Whether reportable :        | Yes/No |