

**CM No. 2365-C-2019 in/and
RSA No. 824 of 2019 (O&M)**

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CM No. 2365-C-2019 in/and
RSA No. 824 of 2019 (O&M)
Date of Decision: 14.02.2019**

Harbans Singh (deceased) through his LRs

.....Appellants

Vs.

Ajmer Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Tapan Kumar Yadav, Advocate,
for the applicants-appellants.

Mr. Anil Rana, Advocate,
for the respondents.

AMOL RATTAN SINGH, J. (ORAL)

CM No. 2365-C-2019

Pursuant to the order dated 12.02.2019, in addition to the legal representatives of the appellant, i.e. in addition to Rohit and Gaurav sons of appellant Harbans Singh, as also respondent no. 1, i.e. the plaintiff, Ajmer Singh, today Sarvshrimati Gurjit Kaur, Geeta Devi, Rajnish Kaur and Vinesh Kaur, are all stated to be present in Court, identified by learned counsel, with affidavits of all parties to the compromise also having been submitted by Mr. Yadav, along with photocopies of identity proofs annexed with each affidavit.

All parties to the compromise have been specifically asked by this Court also as to whether the compromise has been effected willingly, to which they have replied in the affirmative.

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Consequently, this application is allowed with the compromise deed/settlement deed dated 06.02.2019 ordered to be taken on record.

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Learned counsel for the appellants as also for the respondents submit that respondent no. 1-plaintiff forgoes his right to specific performance of the agreement entered into between the parties (as has been decreed in his favour by the Ist appellate Court), in lieu of Rs. 20,00,000/- agreed to be paid to him by the appellants, in respect of which two cheques have been handed over by the appellants to respondent no. 1-plaintiff, the numbers of which are given in paragraph 3 of the compromise deed.

Consequently, this appeal is allowed in terms of the aforesaid settlement reached between the parties and the judgment and decree of the lower appellate Court is set aside, subject to the two cheques issued by the two appellants (LRs of the original appellant) being honoured, and the money being transferred to respondent no. 1-plaintiff.

If, of course, the cheques are not honoured this order shall be deemed to have not been passed.

A decree sheet be prepared accordingly.

February 14, 2019
nitin

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No.