

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

**CM-713-C-2020 in/and
RSA No.5709 of 2016
Date of Decision: 20.01.2020**

Shiv Kumarapplicant/appellant
Vs.

Ram Kishan and othersRespondents

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Arun Bansal, Advocate
for the applicant/appellant.

Mr.Dinesh Maurya, Advocate,
for the non-applicant/respondents.

AMOL RATTAN SINGH, J. (Oral)

CM-713-C-2020

Mr.Bansal, learned counsel for the applicant/appellant, submits that the suit property already having been transferred by the respondents in favour of the appellant in terms of the compromise entered into between them and they having executed an affidavit to that effect, a copy of which is annexed as Annexure 'CX' with this application, the appeal may be allowed in terms of the compromise reached.

Notice in the application.

Mr.Dinesh Maurya, Advocate, accepts notice on behalf of the non-applicant/respondents and does not deny the *factum* of the compromise reached between the parties. He also does not deny the affidavit annexed as Annexure CX, in paragraph no.3 of which it is stated that there is no dispute remaining in respect of the property that is the subject matter of this appeal,

with it further stated in paragraph 4 that there is also no dispute left as regards the adjoining street, which would now belong to Shiv Kumar alone, (he being the appellant). Further, in paragraph 5 it is stated that the appeal itself, i.e. RSA no.5709 of 2016, be decided in favour of Shiv Kumar.

The original affidavit (executed by the respondents in *Hindi*) has also been produced in Court today by learned counsel for the applicant/appellant and is not denied by the learned counsel for non-applicant/respondents.

That being so, the application is allowed.

RSA-5709-2016(O&M)

In terms of the above submissions made, the appeal itself is allowed with the judgments and decrees passed by the learned courts below, dismissing the suit of the appellant/plaintiff set aside and with the suit decreed in terms of the affidavit executed by the respondents, by which the House no.528, Ward no.4, situated at Assandh, District Karnal, Haryana, has been transferred to the appellant.

A decree sheet be prepared, annexing therewith a copy of the affidavit shown to be executed by the respondents, as has been annexed with CM no.713-C of 2020, by the applicant-appellant.

The original affidavit has been returned to learned counsel for the appellant, with a copy thereof being on record.

January 20, 2020

dharamvir

(Amol Rattan Singh)
Judge

Whether speaking/reasoned : YES
Whether Reportable : NO