

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

RSA 1802 of 2017 (O&M)

Date of Decision: March 4, 2020

Rakesh KumarPetitioner
Vs.
Jeewan Kumar ..Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU.

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Present:- Mr. Abhinav Sood, Advocate for
Mr. Vikram Singh, Advocate for the appellant
along with petitioner Rakesh Kumar.
Mr. Jeewan Kumar, respondent in person.

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MAHABIR SINGH SINDHU, J.

Present appeal has been filed under Section 100 CPC against the impugned judgments and decrees passed by both the Courts below, whereby the suit for mandatory injunction, filed by the plaintiff/ respondent was decreed.

This Court on 20.01.2020, passed the following order:-

"It has been pointed out by learned counsel for the appellant that there are chances of amicable settlement between the parties.

If that be so, let the parties be relegated to the Mediation and Conciliation centre for 29.01.2020 to explore the possibility of settlement, if any.

Adjourned to 26.02.2020.

Report be sent to this Court on or before the date fixed.

Interim order to continue."

Today, learned counsel for the appellant has apprised that the matter has been compromised between the parties and both

are present in person before this Court, duly identified by him. A report dated 14.02.2020 has been received from the Mediator and the relevant part of the same reads as under:-

6.The following compromise/ settlement has been arrived at between the parties:-

- a) It is agreed/ settled between the parties that the first party shall remove the machinery/ parts of machinery adjoining the common wall between his floor mill and the residential house of the second party.*
- b) It is further agreed by the first party that no machinery/ parts of machinery or generator etc. shall be placed touching the common wall between his floor mill and the residential house of the second party in future also.*
- c) It is also agreed by the first party that he shall take due care regarding the noise pollution or vibration etc. caused by his floor mill and the rice sheller to the second party.*
- d) Both the parties have no objection in case the present RSA No.1802 of 2017 is disposed of in terms of the undertaking of the first party.*
- e) Both the parties further undertakes that they will not file any Civil or Criminal litigation against each other in future with regard to the present dispute. All the disputes between the parties are settled.”*

It is agreed between the parties that first party shall remove the machinery/ parts of machinery adjoining the common wall between his floor mill as well as residential house of the second party

and no party thereof shall be touching the common wall. Also agreed that the first party shall take due care regarding noise pollution as well as vibration. Even before this Court also, both sides acknowledged that there is no grievance left against each other and they will live with peace and harmony.

In view of the agreed stand taken by both sides and the fact that the matter has been amicably settled between the parties, the present petition is disposed off, as such on the basis of settlement arrived at between them.

It is clarified that the appellant as well as the respondent shall be bound by the terms and conditions of the settlement entered into between the parties referred above. In case there is breach of any condition (s), by either of the parties, necessary legal consequences shall follow.

March 04 , 2020
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.