

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA No. 3756 of 2017 (O&M)
Date of Decision: 18.02.2020

Karnail Singh

.....Appellant

Vs.

Dhanvir Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Gulam Nabi Malik, Advocate,
for the appellant.

Mr. Jagjit Singh, Advocate,
for the respondent.

AMOL RATTAN SINGH, J. (ORAL)

This case has been taken up out of turn after 04:00 p.m., on the request of both the learned counsel, on the ground that after the dispute was referred to mediation vide an order passed on 10.07.2019, an amicable settlement has been arrived at, as would be seen even from the report of the learned Mediator in the Mediation and Conciliation Centre of this court, dated 26.07.2019, in which the terms and conditions of the settlement have been enumerated in detail.

That being so, the impugned judgments and decrees of the learned courts below are set aside, as also subsequent proceedings initiated pursuant to the decree issued in favour of the respondent-plaintiff, with a decree to be issued in terms of the settlement arrived at between the parties.

A copy of the settlement deed as has been signed by the learned Mediator on 26.07.2019, in Mediation Case No. 1327 of 2019, be annexed as a part of the decree sheet, with the parties to adhere to the terms of the compromise

in *toto*.

In view of the fact that the matter has been settled amicably between the parties, they would be entitled to a refund of the court fee (as has also been settled between them), in terms of Section 16 of the Court Fees Act 1970, read with Section 89 of the Code of Civil Procedure, 1908.

All applications as are necessary to be moved for the purpose of giving effect to all terms and conditions of the compromise before the courts and authorities concerned, would be naturally moved by the party concerned.

It is to be noticed that the appellant and the respondent, i.e. Karnail Singh and Dhanvir Singh, are present in court, having been identified by their counsel, with the appellant, though apparently a very old person, stated to be 70-75 years of age.

Upon query to him by this court, he has stated that the matter may be “finished of” finally, in terms of the settlement reached.

His son, Sarjeet Singh, is also stated to be present in court.

He also being a signatory to the agreement, does not dispute that the matter has been finally settled between the parties.

The respondent also does not deny the factum of the agreement having been reached.

It is to be noticed that all the parties have also submitted their identity proofs by way of their individual Aadhar cards, in court.

February 18, 2020
nitin

Whether speaking/reasoned
Whether Reportable

(AMOL RATTAN SINGH)
JUDGE

Yes
No.