

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

RSA No.452 of 2020 (O&M)

Date of Decision:31.03.2021

Swaranjit Singh

.....Appellant

Versus

Jagjit Kaur and another

..... Respondents

AND

RSA No. 462 of 2020 (O&M)

Swaranjit Singh

.....Appellant

Versus

Manjit Kaur since deceased through her legal heirs and another

....Respondents.

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Prateek Sodhi, Advocate
for the appellant.

Mr. Prateek Mahajan, Advocate
for respondent no.1 (iii) and 2.

LISA GILL, J.

This order shall dispose of R.S.A No. 452 and 462 of 2020 as both the appeals arise out of the same judgement and decree dated 29.01.2018, passed by the learned Civil Judge (Jr. Division), Amritsar as well as judgement and decree dated 08.01.2020, passed by the learned Additional District Judge, Amritsar.

It is relevant to note that the appellant-plaintiff filed a suit for declaration to the effect that he is owner in possession of 4/5th share of the property i.e. house as described in the plaint and that sale deed dated 04.05.2010 executed by defendant no. 1 Manjit Kaur (mother of the

plaintiff) in favour of defendant no.2-Jagjit Kaur (grand daughter of Manjit Kaur, i.e., daughter of Jaspal Kaur daughter of Manjit Kaur) is illegal, null, void and not binding on the rights and interest of the plaintiff. Appellant-plaintiff had claimed that though property in question had been purchased by way of sale deed in favour of his mother-Manjit Kaur, (now represented through her legal heirs) the said property was purchased by the plaintiff-appellant and his father out of their own proceeds and construction was raised thereon by funds provided by the appellant. A counter claim had been filed by respondent no.2 claiming to be the owner in possession of the property in question with consequential prayer of mesne profits.

Learned trial Court on considering the facts, circumstances of the case and evidence on record, dismissed the suit filed by the plaintiff-appellant and partly allowed the counter claim filed by respondent no.2. Counter claim was allowed partly to the effect that counter claimant being owner of the premises in dispute, is entitled to possession of portion of the property which was presently with the plaintiff and the plaintiff was restrained from raising any kind of construction or carry out any addition or alteration in the property in dispute. Claim of mesne profits was however declined.

Appeals were preferred by the plaintiff as well as the counter claimant. Learned Additional District Judge, Amritsar, vide impugned judgement and decree dated 08.01.2020, dismissed the appeal filed by the present appellant-plaintiff and appeal filed by respondent no.2 was allowed while holding the said respondent-defendant no.2 entitled to recover mesne profits at the rate of Rs.12,000/- per month from the plaintiff w.e.f.,

01.06.2010 till actual delivery of possession by the plaintiff to defendant no.2.

Aggrieved therefrom, present appeals have been filed by the appellant-plaintiff.

During pendency of these appeals, the matter was amicably resolved between the contesting parties. Order dated 03.03.2021, reflecting the same is reproduced as hereunder:-

**“RSA-462-2020 and
RSA-452-2020**

Learned counsel for the parties submit that respondents no.1(iii)and 2 are the only contesting respondents and they are duly represented by Mr. Prateek Mahajan, Advocate.

During the course of hearing, consensus has emerged between the appellant and respondents no. 1(iii) and 2 that the appellant shall hand over vacant peaceful possession of the disputed property on 18.03.2021 and he shall also deposit a sum of Rs.2 lacs before the learned Executing Court by 25.03.2021 in favour of the said respondents. Said respondents on the other hand have agreed that they would not insist or seek recovery of the mesne profits, which have been directed by the learned Additional District Judge, Amritsar vide judgment and decree dated 08.01.2020 and the execution proceedings shall be withdrawn.

The amount in question, needless to say, on deposit would be released immediately to the above said respondents in equal share.

At request of learned counsel for the parties adjourned to 31.03.2021.”

As noted in the foregoing paras, the matter has now been amicably settled amongst parties, who are close family members.

Learned counsel for the parties inform that consequent to consensus arrived at between the parties, vacant, peaceful possession of the disputed property has been handed over by the appellant-Swarnjit Singh to Jagjit Kaur. A sum of Rs. 2,00,000/- has also been deposited before the learned executing Court in favour of respondent 2 and she has accepted the same as full and final settlement of her claim. Execution proceedings, have been concluded vide order dated 18.03.2021. Copy of order dated 18.03.2021, passed by the learned Executing Court has been circulated on the whatsapp group created for the purpose of video conferencing. Print out of the same be taken and attached with the files. Learned counsel for the parties submit that both the appeals be disposed of in terms of the settlement as above.

Keeping in view the above, both the appeals stand disposed of in terms of settlement as above, arrived at between the contesting parties..

31.03.2021

s.khan

**[LISA GILL]
Judge**

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