

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

**CM-3050-C of 2021,
CM-2644-C of 2021 in/and
R.S.A No. 4268 of 1999
Date of Decision:27.08.2021**

Daya Parkash (since deceased) through LRs

.....Appellants

Versus

Mohan Lal

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. C.B.Goel, Advocate
for the appellants (for applicants-appellants
in CM-3050-C of 2021)

Mr. Deepak Sharma, Advocate
for the respondent (for applicant in CM-2644-C of 2021).

LISA GILL, J(Oral).

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in CM-3050-C of 2021 is for withdrawal of the main appeal filed by the appellant-plaintiff, now represented by his legal representatives challenging judgement and decree dated 31.07.1999, passed by the learned Additional District Judge, Ambala. Application for withdrawal is duly supported by an affidavit of Vipin Yadav son of Nand Kishore son of Daya Parkash. Plaintiff's suit for mandatory injunction was decreed by the learned trial Court vide judgement and decree dated 28.10.1994. However, in appeal filed by the defendant-respondent, judgement and decree dated 28.10.1994 was set aside and suit filed by the plaintiff was dismissed. Hence this Regular Second Appeal was filed.

Learned counsel for the applicant-appellants submits that the matter has been amicably settled between all the parties, therefore, applicant-appellants seeks to withdraw the present appeal.

Learned counsel for the non-applicant-respondent accepts notice of the application. He verifies and affirms the factum of settlement between the parties.

At request and with consent of learned counsel for the parties, the appeal which stands admitted is taken on board for hearing today itself.

Keeping in view the facts and circumstances as above, CM-3050-C of 2021 is allowed and RSA No. 4268 of 1999, is dismissed as withdrawn. CM-2644-C of 2021, is rendered infructuous in view of withdrawal of the appeal. Application is disposed of accordingly.

27.08.2021

s.khan

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.

[LISA GILL]

Judge