

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

111

**CM-3303-04-C-2021 in/and
RSA No.3223 of 2004 (O&M)
DATE OF DECISION : 14th SEPTEMBER, 2021**

Raj Bala and another

.... Appellants

Versus

Mewa Devi and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Raj Kumar Gupta, Advocate,
for the applicant-appellants.

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RAJBIR SEHRAWAT, J. (Oral)

CM-3303 & 3304-C-2021

The present applications have been filed by learned counsel for the applicant-appellants for early hearing and to decide the main appeal on the basis of compromise entered into between the parties.

Notice in the applications to the counsel opposite.

Mr. Kunal Mulwani, Advocate assisting counsel of Mr. Chetan Mittal, Senior Advocate, accepts notice on behalf of the respondents and submits that he has no objection to the prayer made by learned counsel for the applicant-appellants.

For the reasons mentioned in the applications and in view of the submissions made by counsel for the applicant/appellants and no objection expressed by the counsel for the respondents, the applications are allowed, as prayed for.

The compromise annexed with the application as Annexure A-1 is taken on record, subject to all just exceptions. The appeal is taken on board for its final disposal.

Main Appeal

The plaintiff/respondent No.1 had filed a suit for declaration, wherein, she prayed that a decree for declaration be passed in her favour declaring her as co-sharer to the extent of 1/6 share of the suit land detailed in para no.1 of the plaint. Vide judgment and decree dated 09.09.2000 passed by the Civil Judge (Junior Division), Gurgaon, the suit of plaintiff/respondent No.1 was dismissed. Being not satisfied with the judgment and decree, the plaintiff/respondent No.1 filed the appeal before the lower Appellate Court. The lower Appellate Court, vide judgment and decree dated 30.07.2004 allowed the appeal and set aside the trial Court judgment and decree; and the suit of the plaintiff/respondent No.1 was decreed for declaration that she was the co-sharer/co-owner to the extent of 1/6th share of the suit land detailed in para No.1 of the plaint. The power of attorney and sale deed etc. in favour of defendant Nos.1 and 2 were also declared illegal, null and void and not binding on the rights of the plaintiff. The present regular second appeal was filed by appellant/defendants before this Court challenging the judgment and decree dated 30.07.2004 passed by the lower Appellate Court. The appeal was admitted for hearing.

Learned counsel for the appellants has submitted that now the parties have amicably settled the dispute and have entered into a written compromise as per Annexure A-1.

Even, learned counsel for the respondents has not disputed the fact that the parties have entered into a compromise and the veracity of the compromise at Annexure A-1 has also not been disputed by him. Learned

counsel for the respondents has also submitted that the present appeal be disposed of in terms of the compromise mentioned above.

In view of the above, the present appeal is disposed of in view of the compromise attached as Annexure A-1. The compromise at Annexure A-1; is made part of this order. The decree be drawn accordingly.

All pending miscellaneous applications are also disposed of as such.

14th SEPTEMBER, 2021
‘sandeep’

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>