

**103(1) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(In virtual Court)

CM-2524-C-2021 in/and
RSA-1271-2006 (O&M)
Date of Decision: 04.08.2021

Shiv Kumar (since deceased) through his LRs

....Appellants

Versus

Hem Raj

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Shifali Goyal, Advocate,
for the applicant-appellants.

RAJBIR SEHRAWAT, J. (ORAL)

CM-2524-C-2021

This is an application filed under Order 23 Rule 3 read with Section 151 CPC for disposing of the main appeal in terms of the compromise dated 14.04.2021 (Annexure A-1) effected between the parties.

Notice in the application to the counsel opposite.

Mr. Nitish Garg, Advocate appearing on behalf of the respondent accepts notice and submits that he has the instructions to say that the respondent does not have any objection to the disposal of the appeal in terms of the compromise attached with the application as Annexure A-1.

The compromise dated 14.04.2021 (Annexure A-1) is ordered to be taken on record.

In view of the above and for the reasons mentioned in the application, the same is allowed. With the consent of the parties, the main appeal is taken on board today itself for final disposal.

Main Case

The plaintiff/appellant had filed a suit for specific performance and for permanent injunction against the respondent. Vide judgment dated 22.08.2002 passed by the Civil Judge (Senior Division), Bathinda, the said suit was decreed with costs for specific performance of the agreement to sale dated 19.01.1990 regarding the shop described in the head note of the plaint. Being not satisfied with the said judgment, the defendant filed the appeal before the lower Appellate Court. The lower Appellate Court, vide impugned judgment dated 07.01.2006 set aside the trial Court judgment and reversed the findings recorded by the trial Court and suit of the plaintiff was ordered to be decreed for recovery of Rs.90,000/- with proportionate costs and suit for specific performance was dismissed. The present regular second appeal was filed by the appellant/plaintiff before this Court for setting aside the judgment dated 07.01.2006 passed by the Additional District Judge, Bathinda, whereby the suit of the plaintiff for specific performance was decreed.

Learned counsel for the appellant submits that the matter has since been compromised between the parties as per the compromise Annexure A-1.

Learned counsel for the respondents has not disputed the genuineness of the compromise, attached with the application as Annexure A-1. He has also expressed his no objection to dispose of the appeal in terms of the compromise.

In view of the above, the present appeal is disposed of in terms 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, if any, are also disposed of as such.

04.08.2021
sandeep

(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No