

*(In virtual Court)*CM-2525-C-2021 in/and
RSA-1726-2006 (O&M)
Date of Decision: 04.08.2021

Hem Raj

.....Appellant

Versus

Shiv Kumar (since deceased) through his LRs

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Nitish Garg, Advocate for the applicant-appellant.

RAJBIR SEHRAWAT, J. (ORAL)**CM-2525-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.

Ms. Shifali Goyal, Advocate appearing on behalf of the respondents accepts notice and submits that she has the instructions to say that the respondents do 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/respondent had filed a suit for specific performance and for permanent injunction. Vide judgment and decree dated

22.08.2002 passed by the Civil Judge (Senior Division), Bathinda, the suit was decreed. Being not satisfied with the said judgment, the appellant/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 on all the issues and it was held that the respondent/plaintiff was entitled to refund of Rs.90,000/- from the appellant/defendant. The present regular second appeal was filed by the appellant/defendant 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 partly decreed for recovery of Rs.90,000/-.

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. She has also expressed her 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