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

RSA No.1428 of 2015 (O&M)

Date of decision: March 24, 2021

Subhash Chander and another

.....Appellants

versus

Kalu Ram (since deceased) through his legal heirs
and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Govind Chauhan, Advocate for the appellants.

Mr. R. Kartikeya, Advocate for the respondents.

MAHABIR SINGH SINDHU, J

CM-81-C-2021 IN CM-5078-C-2020

Application is for placing on record copy of the
compromise dated 30.10.2020.

After arguing for sometime, learned counsel for the
applicants-respondents wishes to withdraw the present application.

Dismissed as withdrawn.

CM-5078-C-2020

Application is for withdrawal of the main appeal.

Notice of the application.

Mr. R. Kartikeya, Advocate accepts notice on behalf of the
non-applicants-respondents and raises no objection.

For the reasons stated in the application, the same is
allowed.

Main case (O&M)

Present appeal has been filed against the impugned judgment and decree dated 09.12.2014 passed by the learned Additional District Judge, Karnal whereby judgment and decree dated 13.01.2012 of learned Civil Judge (Junior Division), Karnal was modified to the extent mentioned therein.

In view of the agreed stand taken by both sides and order passed in CM-5078-C-2020 for withdrawal of main case, this appeal stands dismissed as withdrawn. However, learned counsel for the appellants prayed for refund of the Court fee.

Since the appeal is being withdrawn without any contest on the basis of amicable settlement arrived at between the parties, therefore, in terms of Section 89 of the Code of Civil Procedure, 1908, this Court deems it appropriate that Court fee affixed on the Memorandum of Appeal be refunded to the appellants.

Consequently, Registry is directed to issue the requisite certificate in terms of Section 16 of the Court Fees Act, 1870, in favour of the appellants for refund of Court fee affixed in the present appeal.

Pending application(s), if any, shall also stand(s) disposed off.

(MAHABIR SINGH SINDHU)
JUDGE

March 24, 2021

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No