

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

**134**

**CM-2735-2736-C-2021 in/and  
RSA-4420-2016  
Decided on : 27.08.2021**

Manoj Sareen

... Appellant

Versus

Poonam Abhi and another

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present: Mr. Bhriugu Dutt Sharma, Advocate  
for the applicant/appellant.

Mr. Dhruv Mittal, Advocate  
for respondents No.1 & 2.

(The proceedings are being conducted through video  
conferencing, as per instructions.)

**G.S. Sandhawalia, J. (Oral)**

**CM-2735-C-2021**

Application for preponement is allowed and hearing of the case is preponed from 09.11.2021 to today itself, in view of the fact that matter has been settled inter se the parties. Case is taken on board.

CM stands disposed of.

**CM-2736-C-2021 in/and RSA-4420-2016**

CM-2736-C-2021 has been filed under Order 23 Rule 3 read with Section 151 CPC for passing a decree in terms of the compromise/Memorandum of Family Settlement dated 30.05.2021 (Annexure A-1).

Counsels are agreed that in the proceedings for passing of the final decree, since the suit is pertaining of the partition, statements of the parties have been recorded and the petition was ordered to be dismissed as withdrawn on 22.07.2021 by the Civil Judge (Junior Division), Jalandhar (Annexure A-8). It is, accordingly, submitted that as per the Family Settlement 30.05.2021 (Annexure A-1), the present appeal be disposed of.

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

CM-2735-2736-C-2021 in/and RSA-4420-2016

-2-

It is further pointed out that respondent No.3-Kamal Sareen, brother of the parties had already died during the pendency of the proceedings before the Civil Court and he was un-married and issueless. Reference is made to para no.9 of the judgment of the trial Court dated 25.01.2013.

Keeping in view the above, the name of the said respondent is struck off from the array of parties.

The suit for separate possession by partition of the house of plot no.449 L, Model Town, Jalandhar had been decreed by passing a preliminary decree dated 25.01.2013, which was upheld in appeal on 14.08.2015 by the Lower Appellate Court.

Resultantly, in view of the family settlement respondents No.1 & 2 sisters have received a sum of Rs.40 lakhs each, on account of settling the dispute. Photocopies of the demand draft have also been placed on record as Annexures A-2 to A-5.

Accordingly, keeping in view the compromise inter se parties and the statement also recorded of Alka Kalia-respondent No.2 who is also power of attorney of respondent No.3 and also on behalf of respondent No.1-Poonam Abhi on 06.07.2021 (Annexure A-6) before the Trial Court, the present appeal is allowed by setting aside the judgment and the decrees of the Courts below. Parties are, accordingly, bound by the terms of the settlement dated 30.05.2021 (Annexure A-1). The said settlement be read as part of decree to be prepared by this Court.

Appeal stands allowed, accordingly.

**August 27, 2021**  
*Naveen*

**(G.S. SANDHAWALIA)**  
**JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No