

CM-1306-C-2021
CM-1309-C-2021
CM-233-C-2021 in/and
RSA-4566-2016 (O&M)
Date of decision : April 19, 2021

JARNAIL SINGH

..... Appellant

Versus

WARYAM SINGH DECEASED THROUGH LRS

..... Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Amit Arora, Advocate for the appellant.

Mr. Sagar Aggarwal, Advocate for the respondents.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

Prayer in CM-233-C-2021 is for preponement of hearing of the appeal which is listed for 06.05.2021 and prayer in CM-1306-C-2021 is for withdrawal of the appeal in terms of the settlement arrived at between the parties.

CM-1309-C-2021 is for refund of court fee affixed in the present appeal.

At request of learned counsel for the parties, hearing of the appeal is preponed from 06.05.2021 for today itself.

This appeal has been filed by the appellant – plaintiff to impugn judgment and decree dated 05.08.2014 passed by learned Additional Civil Judge (Senior Division), Tarn Taran as well as judgment and decree dated 10.02.2016 passed by the learned Additional District Judge, Tarn Taran, whereby suit for possession by way of specific performance of agreement to sell dated 21.04.2011

has been dismissed.

It is submitted that during pendency of the appeal, the matter has been amicably resolved between the parties before the Mediation and Conciliation Centre of this Court on 27.09.2019. It is agreed between the parties as under:-

- a) Both the parties have mutually agreed to settle the said dispute for Rs.7,40,000/- (Rupees Seven Lacs and Forty Thousand only), which is to be paid by the second party to the first party on or before 31.10.2019 as lump-sum amount in lieu of the amount paid by the second party – Waryam Singh (since deceased) to the first party vide agreement to sell dated 21.04.2011.
- b) That both the parties have agreed that the aforesaid settled amount shall be full and final in respect of amount paid by the second party – Waryam Singh (since deceased) to the first party vide agreement to sell dated 21.04.2011. There will be no other dues etc. remaining from the second party to be paid in any manner whatsoever towards the said dispute.
- c) It has been mutually agreed between the parties that both the parties will have no objection, if the present RSA filed by the first party is disposed off by the Hon'ble High Court in terms of the present settlement.
- d) The parties further undertake not to initiate or institute any unwanted litigation against each other and their family arising out of the matter in dispute. The parties further undertake not to use any document etc. against each other which have been left in their possession after this date of agreement or used as an evidence against each other in Court of Law.
- e) As per knowledge of both the parties, there is no other pending litigation between the parties qua the present dispute. It has been further agreed between the parties that in case of coming into knowledge of any petition or case filed by any of the parties against other, the same shall be withdrawn by either of the party who has filed it.

f) This settlement has been arrived at between the parties without any pressure, undue influence or misrepresentation and both the parties have agreed to abide by the terms and conditions of the agreement. Both the parties shall be bound with the terms and conditions of this compromise.

Learned counsel for the appellant submits that he seeks to withdraw this appeal in view of the compromise which has been arrived at and he also seeks refund of the court fee in terms of Section 16 of the Court Fee Act.

Learned counsel for the respondents affirms and verifies the factum of settlement between the parties arrived on 27.09.2019. Settlement/agreement dated 27.09.2019 is attached with this file.

Accordingly, CM-1306-C-2021 is allowed and appeal is dismissed as withdrawn.

CM-1309-C-2021 is allowed, court fee affixed with this appeal be refunded to the appellant.

April 19, 2021
Rts

(Lisa Gill)
Judge

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No