

*(In virtual Court)*CM-1889-C-2021 and
CM-1890-C-2021 in/and
RSA-4049-2017 (O&M)
Date of Decision: 01.07.2021

DEEPAK KUMAR AND ANR

.....Appellants

Versus

VINOD ARORA & ORS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWATPresent: Mr. Sapan Dhir, Advocate,
for the applicant-appellants.Mr. A.P. Bhandari, Advocate,
for respondent Nos.1 to 3.Mr. S.K. Mahajan, Advocate,
for respondent No.4-HUDA.**RAJBIR SEHRAWAT, J. (ORAL)****CM-1889-C-2021**

This is an application for exemption from filing certified copy of Annexure A-1 and for permission to file photocopy of the same.

For the reasons mentioned in the application, the same is allowed. Annexure A-1 is taken on record.

CM-1890-C-2021

The present application has been filed by learned counsel for the applicant-appellants for disposal of the main appeal in terms of compromise dated 13.04.2021 (Annexure A-1) arrived at between the parties.

Notice in the application to the counsel opposite.

Mr. A.P. Bhandari, Advocate, appearing for respondent Nos.1 to 3 and Mr. S.K. Mahajan, Advocate, appearing for respondent No.4 accept notice and submit that they have no objection to the prayer made by learned counsel for the applicant-appellants.

In view of the above, the compromise dated 13.04.2021 is taken on record.

With the consent of the parties, the main appeal is preponed to today for hearing.

CM-10388-C-2017

For the reasons mentioned in the application, the same is allowed and the delay of 47 days in refiling the appeal is condoned.

CM-10387-C-2017

For the reasons mentioned in the application, the same is allowed and the delay of 108 days in filing the appeal is condoned.

Main Appeal

The plaintiff/respondent No.1 had filed a suit for possession by way of specific performance of contract and injunction, which was partly decreed by the trial Court with costs and the appellants were held entitled to only the refund of the amount of Rs.5.00 Lakhs paid by him as advance payment to the appellants/defendant Nos.1 and 2; with interest @ 9% per annum on the aforesaid amount from the date of institution of the suit. Being not satisfied with the judgment, the defendant Nos.1 and 2/appellants filed the appeal before the lower Appellate Court, which was dismissed on 02.09.2016 and the judgment and decree of the trial Court; dated 20.02.2014; partly decreeing the suit was reaffirmed. The present regular

second appeal was filed by the appellants/defendant Nos.1 and 2 before this Court challenging both the judgments and decrees passed by the lower Courts.

Learned counsel for the appellants has submitted that now the parties have amicably settled the dispute. The parties have entered into a written compromise, placed on record as Annexure A-1 with the application. Therefore, the appeal be disposed of in terms of the compromise.

Even, learned counsel for the respondents have not disputed the fact that the parties have entered into a compromise and the veracity of the compromise at Annexure A-1 have also not been disputed by them. Learned counsel for the respondents have also submitted that the present appeal be disposed of in terms of the compromise mentioned above.

In view of the above, the present application is allowed. The main appeal is disposed of in terms of the compromise. The compromise at Annexure A-1; attached with the application; is made part of this order. The decree be drawn accordingly; in terms of the compromise at Annexure A-1.

All pending miscellaneous applications are also disposed of as such.

(RAJBIR SEHRAWAT)
JUDGE

01.07.2021
sandeep

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