

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

S.A.O. No. 74 of 2019 (O&M)

DATE OF DECISION :- November 10, 2021

Smt. Anita Devi

...Petitioner

Versus

Sandeep Jain and others

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. Ajay Jain, Advocate for the petitioner.

Mr. Aakash Yadav, Advocate
for Mr. Abhinav Gupta, Advocate for respondent No. 1.

Plaintiff Smt. Anita Devi, wife of Sh. Tej Kumar son of Sh. Kanhiya Lal, resident of Rampura, Tehsil and District Rewari had filed a suit for declaration and mandatory injunction against defendant Smt. Hemlata, who expired and then represented by her legal heirs Sandeep Jain (son), Neelam Jain (daughter), Poonam Jain (daughter) and Rajender Jain (husband). In that suit she claimed to be owner in possession of land bearing Rect. No. 124 Killa No. 30/4 by virtue of sale deed bearing document No. 3407 dated 19.7.2007 contending that defendant, who claimed to be a co-owner in that property had no concern there with, though she proceeded to raise construction in the suit property not listening the request of the plaintiff to resist from doing so and as a matter of fact she had encroached upon a portion of Killa No. 30/4 raising construction there on. The defendant had no interest in Killa No. 30/5 also. In that suit the plaintiff had challenged various sale deeds executed by Arun Lal son of defendant No. 1.

On notice defendant No. 1 had appeared and filed written statement contesting the suit. Replication was filed by the plaintiff. Issues on merits were framed. Parties were afforded opportunities to lead evidence. Vide judgment and decree dated 11.12.2015, the suit was decreed declaring the plaintiff to be owner to the extent of 5/27 share in Killa No. 30/4 entitled to get joint possession of same on behalf of all co-sharers and defendant No. 1 was directed to demolish the construction raised by them in the suit property. That judgment and decree left Sandeep Jain legal representative of Smt. Hem Lata (deceased) defendant aggrieved and he had preferred an appeal before District Judge, Rewari. That appeal was accepted by Additional District Judge at Rewari, to whom it had been assigned and he vide judgment dated 23.9.2019 set aside the judgment and decree passed by the trial Court and remanded the matter to the trial Court for passing fresh judgment after giving deficiencies pointed out in the judgment of the Appellate Court.

Feeling aggrieved by the said judgment and decree, plaintiff Anit Devi had approached this Court by way of filing the present appeal, notice of which was give to respondent Sandeep Jain, who had put in appearance. The matter was referred to Mediation and Conciliation Centre of this Court to explore the possibility of amicable settlement between the parties. The Mediation has proved to be fruitful. The parties have resolved their differences in an amicable manner. Settlement agreement in that regard has been forwarded to this Court duly signed by appellant Anita Devi and her husband Tej Kumar besides respondent Sandeep Jain and his sisters Poonam Jain and Neelam Jain.

An application has been filed on behalf of appellant to decide

the appeal in terms of this settlement. This request is not being opposed by learned counsel appearing for respondent No. 1 Sandeep Jain. Both the counsel pray that appeal be decided in terms of the settlement agreement.

Accordingly, the appeal is disposed of in light of the settlement agreement which is exhibited as Ex.C1. Resultantly, the suit of plaintiff Anita Devi is decreed in terms of such written settlement Ex.C1 which be read as part of the decree.

(H.S. MADAAN)
JUDGE

November 10, 2021
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No