

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

(i)

RSA-3727-2003 (O&M)

Mohan Lal

...Appellant

VERSUS

Raj Rani and others

...Respondents

(ii)

RSA-4604-2003 (O&M)

Raj Rani and others

...Appellants

VERSUS

Mohan Lal

...Respondent

Date of Decision: September 13, 2022

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Amit Jain, Senior Advocate with
Mr.Karambir Singh, Advocate for the appellant
(in RSA-3727-2003).

Mr.Vikas Thakur, Advocate for
Mr.Kunal Mulwani, Advocate for the appellants
(in RSA-4604-2003).

ARCHANA PURI, J.

Though, CM-2809-C-2022 in CM-612-C-2021, CM-2832-C-2022 in CM-613-C-2021, CM-714-C-2021 in CM-613-C-2021 in RSA-3727-2003 and CM-2828-C-2022 in CM-629-C-2021 in RSA-4604-2003 have been listed today, but however, in view of the submissions made by learned counsel for both the parties, both the appeals i.e. RSA-3727-2003

and RSA-4604-2003, along with all the pending misc. applications, are taken up for hearing today itself. Registry is directed to update the record accordingly.

CM-714-C-2021 in CM-613-C-2021 in RSA-3727-2003

The present application has been filed for preponement of the date of hearing in CM-613-C-2021.

Since the main appeals along with all the pending misc. applications, are being taken up for hearing today itself, the instant application has become infructuous. Accordingly, the same is dismissed as having become infructuous.

**CM-612-C-2021 in RSA-3727-2003 and
CM-629-C-2021 in RSA-4604-2003**

The present applications have been filed for impleading LR's of deceased appellant Mohan Lal, who allegedly died on 11.11.2019. The said applications are supported by death certificate of deceased Mohan Lal. Further, one of his sons, namely Arun, mentioned at Sr.No.2(i) of the applications is stated to have also died and his death certificate is also placed on record. His another son namely Satish has also died and qua impleadment of LR's of Satish (since deceased), other applications i.e. **CM-2809-C-2022 in CM-612-C-2021 in RSA-3727-2003 and CM-2828-C-2022 in CM-629-C-2021 in RSA-4604-2003**, have been filed, which are supported by affidavits of Vishal Mahajan, son of deceased Satish @ Satish Mahajan as well as his death certificate.

Keeping in view the averments made in the applications, the

same are allowed and widow, son and daughter of Satish @ Satish Mahajan, as detailed in paragraph No.2 of **CM-2809-C-2022** and **CM-2828-C-2022**, are hereby impleaded as legal representatives of deceased Satish @ Satish Mahajan, only for the purposes of pursuing the main appeal.

In view of the disposal of **CM-2809-C-2022** and **CM-2828-C-2022**, the applications i.e. **CM-612-C-2021** and **CM-629-C-2021** are hereby allowed and persons mentioned in paragraph No.2, as detailed in paragraph No.2 of the applications, are hereby impleaded as legal representatives of deceased Mohan Lal. Amended memo of parties, as annexed with **CM-2809-C-2022 in CM-612-C-2021 in RSA-3727-2003** is taken on record.

RSA-3727-2003 and RSA-4604-2003

For disposal of the aforesaid RSAs, compromise dated 10.03.2020, effected between the parties to the lis, has been placed on record as Annexure A1. Perusal of the same reveals that it was effected between Raj Rani, as 1st party and Mohan Lal as 2nd party through his legal representatives, i.e. his sons Ashok Kumar, Satish Mahajan and Arun as well as his two daughters Anju Aggarwal and Manju Garg. However, as observed aforesaid Satish Mahajan as well as Arun, who were signatory to the compromise, have since died. In view of the order passed in **CM-612-C-2021**, **CM-2809-C-2022 in RSA-3727-2022** and **CM-629-C-2021** and **CM-2828-C-2022 in RSA-4604-2003** today, LRs of Arun and Satish @ Satish Mahajan, have been brought on record.

There is another application i.e. **CM-2832-C-2022 in CM-613-C-2021 in RSA-3727-2003** for placing on record the affidavits of legal representatives of deceased-Satish @ Satish Mahajan, in support of the

compromise dated 10.03.2020.

Keeping in view the averments made in the aforesaid application, the affidavits of all the legal representatives of deceased i.e. Satish @ Satish Mahajan, who have been impleaded today, are brought on record. Similar affidavits of legal representatives of Arun Kumar, who have been impleaded today, have been annexed with the application bearing **CM-613-C-2021 in RSA-3727-2003** and **CM-629-C-2021 in RSA-4604-2003**, are also taken on record.

CM-613-C-2021 in RSA-3727-2003 has been filed for disposal of the appeals i.e. RSA-3727-2003 and RSA-4604-2003, in terms of the compromise dated 10.03.2020 (Annexure A-1).

As already observed, even, the legal representatives of deceased two sons of Mohan Lal, who are the signatory to the compromise, have already come on record. LRs of deceased have also filed their respective affidavits, thereby, not disputing about the arrival of the compromise, effected between the parties to the lis.

Perusal of the paper-book reveals that initially, Raj Rani, wife of Ashok Kumar, Swati and Ashu had filed a suit against Mohan Lal, for declaration, thereby asserting themselves to be owner in possession to the extent of 1/4th share in the house No.1100, Sector 18-C, Chandigarh. Also they have sought permanent injunction, thereby, restraining the defendants from interfering in the peaceful possession, over some portion of the house, as detailed in the headnote of the plaint.

Besides the same, counter claim was also filed by Mohan Lal-defendant, thereby, seeking possession of the suit property. However, vide

judgment dated 18.07.2001, the suit for declaration was dismissed and suit

qua permanent injunction was decreed, vis-a-vis, the part of the property, as detailed in headnote of the plaint. Besides the same, even the counter claim for mandatory injunction, filed by Mohan Lal was dismissed.

Feeling aggrieved by the aforesaid judgments, both Raj Rani and Mohan Lal, had filed appeals i.e. Civil Appeal No.72 of 17.08.2001/27.04.2002 and Civil Appeal No.27 of 23.08.2001, respectively. However, vide judgment dated 22.01.2003, both the said appeals were dismissed by the lower Appellate Court. It was thereupon, that rival regular second appeals i.e. RSA-3727-2003 and RSA-4604-2003 had been filed by both the plaintiffs as well as defendants. It was during the pendency of the aforesaid appeals, the compromise has been effected.

As per the compromise (Annexure A-1), the settlement has been reached between the parties to the lis. The terms of settlement are from Clause (1) to (6) of the compromise.

Learned counsel for both the parties submit that both the RSAs may be disposed of, in view of the compromise, arrived at between the parties.

In view of the compromise, so reached between the parties, the parties are directed to comply with the terms of the compromise and as such, the same is made part of the decree.

Both the appeals i.e. RSA-3727-2003 and RSA-4604-2003 stand disposed of, in aforesaid terms.

September 13, 2022
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No