

RSA NO.610 OF 2002(O&M)

501

and CM No.2734-C of 2022

HARDEV SINGH & ORS. V/S BALDEV SINGH & ORS.

Present: Mr. Amit Kumar Walia, Advocate
for the appellants

Mr. Lajpat Rai Sharma, Advocate
for the respondents 2 to 10.

* * * *

Baldev Singh filed a suit for declaration to the effect that he is owner to the extent of 1/11th share in the land owned by his father namely Sh. Puran Singh on his death. He also challenged registered Will executed by late Sh. Puran Singh in favour of his other four sons. The suit was decreed vide judgment & decree dated 25.02.1999 by Civil Judge (Junior Division), Patiala. Appeal thereagainst at the instance of the defendants 1 to 4 was dismissed vide judgment & decree dated 18.10.2021 by Additional District Judge, Patiala. It is how this appeal at the instance of original defendants 1 to 4. All the parties are represented before us except, sole plaintiff-Baldev Singh (since deceased) and his LRs have already been taken on record. The appellants have moved an application being CM No.2734-C of 2022 for disposal of the present appeal by way of compromise dated 07.02.2022, Annexure A-1 to the application, already on record bearing the signatures and thumb impressions of the parties. Heirs of the plaintiff-Baldev Singh are not present before us and on a consideration of the matter, their presence is not necessary so far as the disposal of this appeal is concerned as his share to the extent of 1/11th in the disputed land is not in question and has been admitted by all the parties and mutation

in respect of his 1/11th share has already been sanctioned pursuance to decree of the Courts below and his name stands recorded in the revenue record as is evident from Jamabandi (A-2) on the file. In all aspects except for the share of plaintiff-Baldev Singh i.e. 1/11th, the judgments and decrees of the Courts below are modified in terms of the compromise dated 07.02.2022 (A-1) and to the extent that the rest of 10/11 share in the land in dispute henceforth will belong to the original defendants 1 to 4 in equal shares and for which Revenue Officer concerned shall sanction the mutation in the Revenue Record in favour of defendants 1 to 4 to the extent of 10/11 share in equal share out of total suit land.

Judgment & decree in appeal is modified and the appeal is disposed of in view of the compromise, marked 'A', which shall form part of this order.

Copy of this order be supplied/sent to the counsel/parties and file be consigned to record.

(G.C. GARG)

PRESIDENT

(N.K. KAPOOR)
MEMBER

July 08, 2022

NainaRajput