

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

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IN VIRTUAL COURT

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CR No. 1252 of 2021 (O & M)

Date of decision : 31.1.2022

Manjeet Kaur

.....Petitioner

Vs.

Ajaib Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. H.S. Johal, Advocate and
Mr. Divyanshu Jain, Advocate, for the petitioner

Mr. Ashish Aggarwal, Senior Advocate with
Mr. Kulwant Singh, Advocate, for the respondent

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 26.5.2021 (Annexure P-5), passed by the Civil Judge (Junior Division), Karnal; whereby the application filed by the respondent under Order 39 Rules 1 and 2 CPC has been allowed; and also for setting aside the order dated 9.6.2021 (Annexure P-7), passed by the District Judge, Karnal, whereby the appeal filed by the petitioner against the order dated 26.5.2021 has been dismissed.

Vide order order dated 2.11.2021, on the request of counsel for the parties, the matter was referred to the Mediation and Conciliation Centre of this Court for exploring the amicable settlement between the parties. Now the report dated 18.1.2022 has been received from the Mediation Centre, wherein it is stated that the parties have entered into an amicable settlement. The terms of settlement are also included in the report of the Mediation Centre.

However, the counsel for the petitioner has pointed out that vide order dated 30.9.2021, this Court had permitted the respondent to harvest the crop on the disputed land subject to deposit of Rs.25,000/-per acre qua the share of the petitioner, with the trial Court within a period of 15 days. That amount has not been received by the petitioner so far.

As response to this, counsel for the respondent has submitted that the said amount already stands deposited with the trial Court and the same can be released to the petitioner, if so ordered by this Court.

In view of the above, the present petition is disposed of in terms of the compromise recorded in the report of the Mediation and Conciliation Centre dated 18.1.2022, which are reproduced as under :-

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7. That the parties have agreed to settle the dispute between them on the following terms:-

a) The second party has agreed to give an area measuring 35 kanal 2 marlas khewat No.35 land including tubewell to the first party Manjeet Kaur at Village Darar, District Karnal.

b) First party Manjeet Kaur filed an application before the Court of learned Civil Judge whereby it was submitted that the Hon'ble High Court of Punjab & Haryana vide its order dated 30.9.2021 passed in CM-9513-CII of 2021 directed the second party Ajaib Singh to deposit payment @ Rs.25,000/-per acre qua share of the petitioner in the suit property which comes out to be Rs.1,09,400/-. The second party Ajaib Singh duly complied with the aforesaid directions and made a deposit to the tune of Rs.1,09,400/-. Now the second party does not have any objection if the aforesaid amount is released in favour of the first party Manjeet Kaur wife of Balbir Singh.

c) The first party shall be at liberty to use the above piece of land as per her choice and the second party shall have no right or title over the same in any manner, whatsoever.

d) That both the parties have agreed to request the Hon'ble Court to decide the above mentioned CR and to prepare the decree accordingly, in terms of the present settlement/agreement as and when the case is fixed before the Hon'ble Court.

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It is further ordered that the amount deposited by the respondent before the trial Court in terms of the order dated 30.9.2021 passed by this Court, be released to the petitioner forthwith.

All the pending applications, if any, stand disposed of accordingly.

(RAJBIR SEHRAWAT)
JUDGE

31.1.2022*Ashwani*

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