

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

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**CM-14172-C-2019 in/and
RSA-570-2005
Decided on : 29.04.2022**

Harbans Singh since deceased through his legal heirs

... Appellant (s)

Versus

Swaran Kaur

... Respondent (s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Atul Jain, Advocate for the applicant/appellant.

Mr. Naamparkash Singh Sandhu, Advocate for the respondent.

G.S. Sandhawalia, J. (Oral)

CM-14172-C-2019

Application has been filed under Order 23 Rule 3 read with Section 141 & 151 CPC for deciding the appeal according to the compromise dated 26.10.2019 (Annexure PC) and prayer is made for modification of the decree.

Counsel, thus, submitted that the respondent-Swaran Kaur, who is present in the Court has been identified by Shri Naamparkash Singh Sandhu, Advocate. She has agreed that the decree as such for specific performance, which was in her favour be set aside, as she has received a sum of Rs.7 lakhs in pursuance to the compromise dated 26.10.2019 (Annexure PC). The statement of the respondent has been recorded separately, who has also filed his power of attorney. It is further submitted that in pursuance of the decree of the trial Court dated 29.10.2003, she was required to deposit a sum of Rs.73,960/- within two months. It is her case that she has deposited the said amount and is also entitled for refund of the same.

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Keeping in view the above, the present application is allowed and the appeal is taken on board today itself.

RSA-570-2005

The appeal stands disposed of in terms of the compromise dated 26.10.2019 (Annexure PC) by setting aside the judgment and decree of the trial Court dated 29.10.2003 and of the lower Appellate Court dated 15.12.2004 and partly allowing the suit to the extent of recovery from the appellant-defendant to the tune of Rs.7 lakhs alongwith the right to receive the amount deposited with the trial Court by the plaintiff.

The appeal stands disposed of, accordingly.

**(G.S. SANDHAWALIA)
JUDGE**

April 29, 2022
Naveen

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No