

**110+245 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Decided on:-21.11.2022

1. RSA-1773-2016 (O&M)

Arun Mahajan @ Arun GuptaAppellant

vs.

Anil Gupta and othersRespondents.

2. RSA-1036-2019 (O&M)

Arun Mahajan @ Arun GuptaAppellant

vs.

Anil Gupta and othersRespondents.

CORAM:HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashwani Talwar, Advocate and
Ms. Promila Nain, Advocate,
for the appellant (in both the appeals).

Mr. Brahmjot Singh Nahar, Advocate,
for respondents No.1 to 3 (in RSA-1773-2016).

Mr. Arshdeep Bhullar, Advocate for
Mr. G.S. Bhatti, Advocate,
for respondent No.4 (in RSA-1773-2016) and
for respondents No.1 to 3 (in RSA-1036-2019).

HARKESH MANUJA J. (Oral)

This common judgment of mine shall dispose of RSA-1773-2016 and RSA-1036-2019, as the dispute in the aforesaid two appeals revolves around the estate left by Sh.Kasturi Lal Gupta and his wife, namely, Avinash Devi @ Avinash Rani.

2. The facts leading to the present appeals are that Sh. Kasturi Lal

Gupta and Avinash Devi @ Avinash Rani had four children namely, Arun Mahajan @ Arun Gupta, Anil Gupta, Ajay Gupta and Anita Abbi. Sh. Kasturi Lal Gupta owned share in three properties i.e. one residential house, two SCFs, whereas, Smt.Avinash Devi @ Avinash Rani owned some share in SCO No.16, Sector 26, Chandigarh. Sh. Kasturi Lal Gupta executed a Will dated 12.02.2001, regarding the properties owned and possessed by him. The aforesaid Will was challenged by one of the sons, namely, Arun Mahajan @ Arun Gupta, by way of filing a suit for declaration, which was dismissed by the trial court vide judgment and decree dated 07.02.2015 and affirmed by the Appellate Court vide its judgment and decree dated 03.10.2015. Both the aforesaid judgments have been challenged by way of RSA-1773-2016.

On the other hand, the mother, namely, Avinash Devi @ Avinash Rani, executed a Will dated 29.10.2009, regarding her share in SCO No.16, Sector 26, Chandigarh. Again the aforesaid Will dated 29.10.2009, was challenged by Arun Mahajan @ Arun Gupta by way of filing suit for declaration, the said suit came to be dismissed by the learned trial court vide judgment and decree dated 07.12.2015 and the same was affirmed by the learned Appellate Court vide judgment and decree dated 10.01.2019. Both the aforesaid judgments and decrees have been challenged by way of RSA-1036-2019.

Today, both the above mentioned appeals are listed together for hearing.

By way of CM-7808-CII-2022 in RSA-1773-2016, a family settlement/compromise dated 11.08.2020 (Annexure C-1) has been placed

on record. This application has been supported by affidavits dated 18.10.2022 of all three sons, namely, Arun Mahajan @ Arun Gupta, Anil Gupta and Ajay Gupta alongwith their sister, Anita Abbi, thereby confirming the factum of execution of settlement dated 11.08.2020 (Annexure C-1).

Learned counsel representing the respective parties also admit the execution of the settlement dated 11.08.2020 (Annexure C-1) and jointly pray for disposal of these appeals in terms thereof.

Accordingly, the aforesaid two appeals are disposed of, based on the settlement dated 11.08.2020 (Annexure C-1), which shall form part of this order and a decree be drawn based thereupon. Resultantly, both the parties shall be entitled to their respective shares as mentioned therein. The parties shall be at liberty to approach the Estate Office, U.T. Chandigarh for the purpose of carry out necessary correction in the record of rights.

The parties shall remain bound by the terms of the compromise/settlement dated 11.08.2020 (Annexure C-1).

Pending application(s), if any, shall also stand disposed of.

21.11.2022
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No