

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

RSA No.74 of 2013 (O&M)

DATE OF DECISION : 22.08.2022

Bachittar Singh & Ors.

...Appellants

versus

Jagta @ Jagat Ram (since deceased) through his LRs & Ors.

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kanwaljit Singh, Senior Advocate with
Ms. Neha Anand Mahajan, Advocate for the appellants

Mr. Rohit Sapehiya, Advocate with
Ms. Deepika Chauhan, Advocate for
Mr. Rai Singh Chauhan, Advocate for the respondents

..

ALKA SARIN, J. (Oral):

CM-3147-C-2022:

The present application is for disposing off the regular second appeal in terms of the compromise dated 07.04.2022 (Annexure A-1). Learned counsel for the applicant-appellants would contend that inadvertently it has been stated in the application that the appeal is to be withdrawn. However, as per the compromise between the parties the

appeal is to be allowed and the judgments and decrees of both the Courts below are to be set aside.

Pursuant to the order dated 12.05.2022, the parties appeared before the Mediation and Conciliation Centre of this Court and got their statements recorded. A report dated 30.05.2022 has been received from the Mediation and Conciliation Centre wherein it is stated that the parties to the *lis* have since compromised the matter. Learned counsel appearing on behalf of the respondents states that he has no objection if the present application is allowed.

For the reasons stated in the application, the same is allowed and with the consent of both the counsel, the main case is taken on board today itself.

RSA No.74 of 2013:

Learned counsel for the parties are *ad idem* that the parties to the *lis* have since compromised the matter and to the same effect is the report of the Mediation and Conciliation Centre wherein it has been stated that the parties to the *lis* have since entered into a compromise, which has been recorded in the terms and conditions entered into on 27.05.2022 before the Mediation and Conciliation Centre. Clause 5(i) of the compromise recorded before the Mediator reads as under :

“i. That the parties to the compromise shall file necessary applications for withdrawal of the cases, pending before the Hon’ble Punjab & Haryana High

Court, Chandigarh, or any other court, the judgment and decree passed earlier by the Hon'ble Civil Courts shall be treated to have been quashed/set aside in view of the compromise and the pending RSA will be allowed in terms of the compromise by binding the parties to adhere to the compromise. Accordingly, even the criminal proceedings will be withdrawn/quashed."

The learned counsel are *ad idem* that the appeal be allowed in terms of the written compromise dated 07.04.2022 (Annexure A-1).

Consequently, the present regular second appeal is allowed in terms of the compromise dated 07.04.2022 (Annexure A-1) and the judgments and decrees of both the Courts below are set aside. The compromise dated 07.04.2022 (Annexure A-1) shall form a part of the decree. Pending applications, if any, also stand disposed off.

22.08.2022
parkash

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
--