

CHHAJJU SINGH V/S HARBANS LAL & ORS

Present: Mr.Jatinder Singla, Advocate,
for the appellant/defendant.

Mr.Rajbir Singh, Advocate,
for respondent/plaintiffs Nos.1 and 2.

(Through Video Conferencing)

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Respondent Nos.1 and 2, namely, Harbans Lal and Lakhwinder Kumar, both sons of Ved Parkash, filed suit for permanent injunction against the appellant-Chhaju Singh and Mohinder Singh-proforma respondent/defendant No.3 (whose service later-on was dispensed with). It was a suit for blocking/closing the passage mentioned in the suit. Learned Civil Judge (Jr. Divn.), Budhlada, decreed the suit vide judgment and decree dated 23.07.2012 restraining the appellant and proforma respondent No.3 from blocking the path in question and from alienating the same further.

Aggrieved by the said judgment and decree dated 23.07.2012, the appellant and proforma respondent No.3 filed appeal before learned District Judge, Mansa, which was dismissed vide judgment and decree dated 24.05.2013.

Feeling aggrieved, Chhaju Singh – appellant (defendant No.1) filed RSA No.182 of 2014 in the Hon'ble High Court. Later-on settlement took place between the parties and they filed written compromise dated 04.04.2021 (Annexure C-1). The appellant and respondents also executed their affidavits affirming the factum of execution of compromise, which are Annexures C-2 and C-3, respectively, i.e. Harbans Lal and Lakhwinder Kumar executed affidavit Annexure C-2 while Mohinder Singh and Chhaju

Singh executed affidavit Annexure C-3. Annexure C-4 is the site plan, in which leading points have been marked.

The written compromise, Annexure C-1, reads as under:-

“The path has been shown as mark ABCD in the site plan (Naksha Nazri) Annexure C-4. Now both the parties with their consent have closed the passage shown as Mark ABCD in map and have been made it part of the plot of Chhaju Singh etc. Chhaju Singh etc. shall be the owner in possession of the land of path mark ABCD and party No.1 i.e. Harbans Lal and Lakhwinder Kumar sons of Ved Parkash or any other person shall have no concern with it. In lieu of said path, shown in site plan, in the northern side from this plot/rasta, 181feet upto mark GHIJ, one street 18 feet wide has been left by both the parties for common use. Earlier path in the southern side of Killa No.71/24, both the parties have made 18 feet wide street in the northern side of Killa No.71/24 upto the southern side of its adjoining Killa which goes upto the street built in the western side, public path SITE Y earlier path, SITE X plot of Harbans Lal and Lakhwinder Kumar measuring 1 Kanal 1 Marla (21 Marlas) and SITE Z new path left with their consent to this plot has been shown. This path SITE Z is 18 feet wide upto the Dhaba of Mahlan, in the eastern side of new rasta, SITE Z is Nain Tara wife of Manish Singla, resident of Bareta, south side

Samarjit Puri, resident of Jalbera, in western side Dhaba Mahlan and in eastern side Bhai Ghaniaya Road. Old path SITE Y was after 135 feet from point K in the northern side of Gurudwara of Bhai Ghaniaya Sahib shown in the site plan. Now new path SITE Z is in the northern side after 332.6 feet from point K and this compromise has been affected between the parties without any pressure and both the parties shall be bound by this compromise.”

Learned counsel for both the parties also submitted that the parties have compromised as stated above.

In view of the compromise, appeal is accepted. The judgment and decree dated 23.07.2012 passed by learned Civil Judge (Jr. Divn.), Budhlada and judgment and decree dated 24.05.2013 passed by learned District Judge, Mansa, are set aside. Appeal is disposed of as per terms of compromise, Annexure C-1. Decree sheet be prepared accordingly.

(K.C.Gupta)
President

(B.S.Sidhu)
Member

18.01.2022
P.Seth