

145+291 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-5229-C-2022,
CM-7953-C-2018,
CM-12438-C-2015 in/and
RSA-5214-2015(O&M)
Date of Decision : 05.08.2022

Niranjan Singh ...Appellant

versus

Sukhlal Singh and anotherRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Jasminder Singh Thind, Advocate for the appellant.

B.S. Walia, J. (Oral)

CM-5229-C-2022 in/and
RSA-5214-2015(O&M)

1. Application under Order 23 Rule 3 read with Section 151 CPC, has been moved for disposal of the regular second appeal, on the basis of settlement/compromise, Annexure A/1 dated 26.07.2022.
2. Learned counsel for the applicant-appellant contends that suit for possession was decreed with costs and the appellant/plaintiff was held entitled to possession of 1/2 share of the suit property, as per detail given in the decree sheet, consequently sale deeds dated 28.06.1991 and 01.01.1992, were set aside being in excess of the share of defendant No.2/respondent No.3 and defendant No.2/respondent No.3 was held owner only to the extent of 1/2 share of the suit property and further defendant No.1/respondent No.1 was restrained from alienating/transferring the suit property or its possession to anybody else on the basis of said deeds.

3. The judgment passed by the learned Civil Judge (Junior Division), Amritsar, dated 16.09.2013, was reversed by the learned Addl. District Judge, Amritsar, vide order dated 06.02.2015. Consequently, the instant regular second appeal was filed by the appellant/plaintiff. During the pendency of the appeal, an amicable settlement has been arrived at between the parties, who are closely related to each other. As per settlement/compromise Annexure A/1 dated 26.07.2022, the appellant has become owner in possession of land comprised in khasra Nos.13/6, 15 (10-0), 14/10 (7-4), 14/2 (5-0), 14/9 (5-0), 14/5, 6, 7 (17-15), 14/11 (6-12), situated in the area of village Makhanwindi, Tehsil and District Amritsar. Likewise, respondent No.1 has become owner in possession of land comprised in khasra No.14/21, 2(13-16), 14/23 (5-15), 14/18 (4-10), 14/19, 20 (16-0), 14/9 (3-0), 14/12 (8-0), 14/11 (1-0), situated in the area of village Makhanwindi, Tehsil and District Amritsar.

4. It is further mentioned in the application that apart from the aforementioned land, the parties also own some agriculture land but there is no dispute qua the same and both the parties have undertaken to get sanctioned mutation of the land in question in the respective names of the parties on the basis of compromise or in the name of any other family members, without any hindrance and that they would be bound by the terms and conditions of the statement given to the revenue authorities etc.

5. Notice of the application.

6. Mr. Kanwar Abhay Singh, Advocate accepts notice on behalf of the non-applicants/respondent and admits amicable settlement of the dispute vide compromise Annexure A/1 dated 26.07.2022 and

states that he has no objection if the appeal is disposed of and decrees of the learned Courts below are modified accordingly.

7. In view of the position noted above, as well as statement of learned counsel for the parties, the application is allowed. Settlement/compromise Annexure A/1 dated 26.07.2022, is taken on record. Parties shall remain bound by the terms and conditions contained therein. Judgments and decrees passed by the learned Courts below are modified accordingly in terms of settlement/compromise Annexure A/1 dated 26.07.2022.

8. Appeal disposed of in the aforementioned terms.

05.08.2022

rajesh

(B.S. Walia)

Judge

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