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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-4507-C-2022 in/and
RSA-1866-2015 (O&M)
Date of Decision:26.07.2022

Dilawar Singh

.. Appellant

Vs.

Karnail Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishab Garg, Advocate for
Mr. Aayush Gupta, Advocate for applicant-appellant.

Mr. Mandeep Singh, Advocate
for respondent No.1.

Mr. Rajinder Goyal, Advocate
for respondent No.4.

...

Manoj Bajaj, J. (Oral)

**CM-4507-C-2022 and
CM-4508-C-2022**

Learned counsel for the applicant-appellant has filed these applications to place on record the family settlement deed arrived at between the parties during the pendency of the appeal and prays that as the dispute is amicably settled, the appeal be decided in terms of family settlement deed dated 04.07.2022 (Annexure A-1).

Notice of these applications.

At this stage, Mr. Mandeep Singh, Advocate accepts notice on behalf of respondent No.1, whereas Mr. Rajinder Goyal, Advocate also accepts notice on behalf of respondent No.4 and do not oppose the prayer.

Applications are allowed and family settlement deed dated 04.07.2022 (Annexure A-1) is taken on record and further on the oral request of the learned counsel for the parties, the date of hearing in the

appeal is preponed and the same is taken up for hearing today.

RSA-1866-2015 (O&M)

Appellant (Defendant No.4) has preferred this regular second appeal to challenge the judgment and decree dated 12.03.2015, passed by the Addl. District Judge, Kaithal in Civil Appeal No.49/2015, whereby it has reversed the judgment and decree dated 30.08.2010, passed by the Civil Judge (Sr. Divn.), Guhla in Civil Suit No.320/2005, whereby the suit of the plaintiff was dismissed.

Learned counsel for the parties have stated that the plaintiff-respondent No.1, namely, Karnail Singh had challenged two consent decrees dated 06.06.1972 and 26.07.1986 by way of Civil Suits bearing No.1139/72 and 481/86, whereby the property owned by the father of the parties was transferred in the name of Dilawar Singh by ignoring the interest of plaintiff, who was minor at that stage. According to them, the other brother, namely, Sukhdev Singh was adequately compensated by transferring some other property in his name, therefore, Karnail Singh filed a suit to claim right in the property transferred in favour of Dilawar Singh to the extent of his half share. According to them, the suit filed by Karnail Singh was dismissed through judgment and decree dated 30.08.2010, but in the first appeal, the said judgment and decree was set aside and his suit was decreed by holding that he is entitled to half share.

Today, learned counsel for the parties have stated that a family settlement is arrived at on 04.07.2022 and the same is placed on record as Annexure A-1. As per the present arrangement, both sides have already exchanged the different lands in favour of each other and the claim of the plaintiff is satisfied.

Mr. Goyal, learned counsel appearing for respondent No.4- Sukhdev Singh tenders his affidavit that third brother Sukhdev Singh has no objection, if the impugned decree is modified in terms of the family settlement.

Considering the above, the regular second appeal is accepted and the impugned judgment and decree dated 12.03.2015 passed by the First Appellate Court is set aside and it is ordered that the rights of the parties in respect of the suit property shall be governed as per the terms of the family settlement deed (Annexure A-1).

The family settlement deed shall form part of the decree.

26.07.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No