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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-8583-C-2022 in/and
RSA-2977-2018 (O&M)
Date of Decision: 22.11.2022

Swarn Kaur and others

.. Applicant/appellants

Vs.

Satnam Kaur and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. P.S Sullar, Advocate for applicant-appellants.

None for the respondents.

...

Manoj Bajaj, J. (Oral)
CM-8583-C-2022

The appellants/defendants No.1 to 4 have filed this application under Section 151 CPC for withdrawal of the main appeal, who are mother and real sisters of plaintiff/respondent No.1, as the parties have resolved the dispute by way of a family settlement.

Learned counsel states that the appellants have agreed to the claim of the plaintiff and have conceded to her 1/5th share in the suit property, therefore, he has instructions to withdraw this appeal. He prays for preponement of hearing in the main case.

Though the advance copy of the application stands supplied to the opposite counsel, but none has appeared on behalf of contesting respondent no.1 (plaintiff). Since the withdrawal of the appeal would not cause any prejudice to the opposite parties, therefore, their presence is not necessary.

Application is allowed, the date of hearing in the appeal is preponed to today.

RSA-2977-2018 (O&M)

Appellants (defendants No.1 to 4) have preferred this regular second appeal to challenge the judgment and decree dated 08.11.2017 passed in CA-397 of 2016 by the Addl. District Judge, Chandigarh, whereby judgment and decree dated 01.08.2016 passed in CS-5663/2013 by Civil Judge (Jr. Divn.), Chandigarh, dismissing the suit of plaintiff (respondent No.1) for declaration and permanent injunction, was reversed and suit filed by the plaintiff was decreed.

The plaintiff/respondent No.1 filed a suit for declaration to the effect that she being a Class-I legal heir of late Surjit Singh along with defendants No.1 to 4 is having 1/5th share in H. No.1662/1, Sector 40-B, Chandigarh and further sought permanent injunction restraining defendant No.5 from transferring the ownership of house in question in the name of any person. The suit was dismissed by Civil Judge (Jr. Divn.), Chandigarh vide judgment and decree dated 01.08.2016. Thereafter, plaintiff filed an appeal before the Id. Addl. District Judge, Chandigarh and the appellate Court decreed the suit of the plaintiff to the effect that she being legal heir of late Surjit Singh along with defendant Nos.1 to 4 is entitled to inherit 1/5th share in the suit property.

Aggrieved against the judgment and decree dated 08.11.2017 passed by the appellate Court, the appellants/defendants have filed this regular second appeal.

Learned counsel for the appellants/defendants states that

during the pendency of the appeal, the dispute between the parties, who are

widow and daughters of late Surjit Singh has been settled and the appellants have now conceded to the claim of respondent No.1 being daughter of late Surjit Singh, who is also entitled to 1/5th share in the said house. He prays for withdrawal of this regular second appeal.

Dismissed as withdrawn.

22.11.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No