

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

**CM-5964-C-2022 in/and
RSA-918-2018 (O&M)**

Date of Decision: September 06, 2022

Simmi Pahwa

...Appellant

VERSUS

Gurinder Kaur and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Deepak Arora-I Advocate
for the appellant.

Mr.V.K.Sandhir, Advocate
for the respondents.

ARCHANA PURI, J.

In the main appeal, CM-5964-C-2022 has been filed for seeking withdrawal of suit No.11 of 07.01.2004, titled as Gurinder Kaur vs. Jagdish Singh and others.

Perusal of the record reveals that initially, Gurinder Kaur wife of Surinder Pal Singh, had filed a suit against present appellant as well as Jagdish Singh and Sukhwinder Singh, for seeking specific performance of the agreement dated 29.10.2001 and the same was decreed vide judgment dated 05.12.2011. An appeal filed to challenge the aforesaid judgment and decree by the present appellant-Simmi Pahwa, was also dismissed vide judgment dated 26.09.2017. Feeling aggrieved, the appellant has filed present RSA before this Court.

However, during the pendency of the appeal, a compromise has been effected between Simmi Pahwa as well as respondent No.1-plaintiff, with the intervention of Mediator and settlement agreement, so reached between the parties, has been placed on record as Annexure A-1. The total settled amount has been paid by way of two drafts, to the tune of Rs.15 lakh. Also, it has been settled between the parties that on the strength of the compromise, sale deed dated 17.01.2002, executed by Jagdish Singh son of Rulia Singh, in favour of present appellant Simmi Pahwa, is legal and valid and appellant shall remain owner in possession of the suit property, on the basis of the sale deed dated 27.03.2003.

In view of the aforesaid fact situation, the present appeal i.e. RSA-918-2019, is hereby dismissed as withdrawn and consequent to aforesaid settlement dated 26.08.2022, so reached between the parties, the judgment and decree dated 05.12.2011 passed by learned Addl. Civil Judge (Sr. Divn.) as well as judgment dated 26.09.2017 passed by learned Addl. District Judge, are hereby set aside and as per the prayer made, Civil Suit No.11 of 07.01.2004 is hereby dismissed as withdrawn. The civil misc. application i.e. CM-5964-C-2022 stands allowed accordingly.

September 06, 2022
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No