

[107] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3407-2019

Date of Decision :22.02.2023

Pushpa Devi and others ...Appellants

versus

Harcharan SinghRespondent

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

Present : Mr. Prateek Rathee, Advocate for
Mr. Manoj Kumar Pundir, Advocate for the appellants.

Mr. Suresh Kumar Kaushik, Advocate and Mr. Dharamvir
Sharma, Advocate for the respondent.

B.S. Walia, J. (Oral)

[1] At the outset, learned counsel for the parties state that the dispute as is the subject matter of the instant appeal has been amicably settled by way of compromise dated 07.12.2020 with the intervention of respectable persons of the village, lump sum amount as per compromise received by the appellants and that in the circumstances, the appellants are not interested in pursuing the appeal and may be permitted to withdraw the same and Court fee deposited be ordered to be refunded to the appellants in view of the decision of Hon'ble the Supreme Court in ***High Court of Judicature of Madras Rep. by its Registrar General vs. M.C. Subramaniam and others, Law Finder Doc Id # 1809831***. Relevant extract of the same is reproduced as under:-

“21. Thus, in our view, the High Court was correct in holding that Section 89 of the CPC and Section 69A of the 1955 Act be interpreted liberally. In view of this broad purposive construction, we affirm the High

Court’s conclusion, and hold that Section 89 of CPC shall cover, and the benefit of Section 69A of the 1955 Act shall also extend to, all methods of outofcourt dispute settlement between parties that the Court subsequently finds to have been legally arrived at. This would, thus, cover the present controversy, wherein a private settlement was arrived at, and a memo to withdraw the appeal was filed before the High Court. In such a case as well, the appellant, i.e., Respondent No. 1 herein would be entitled to refund of court fee.

[2] Photocopy of compromise dated 07.12.2020 duly attested by learned counsel for the parties is taken on record.

[3] In view of the position noted above as well as the statement of learned counsel for the parties, the instant appeal is permitted to be withdrawn while in view of paragraph No. 21 of the decision of Hon’ble the Supreme Court in M.C. Subramaniam’s case (Supra), the appellants are held entitled to refund of Court fee deposited by them.

(B.S. Walia)
Judge

22.02.2023
‘Amit’

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