

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

256

RSA No.89 of 2019 (O&M)

Date of decision: 24.01.2023

M/s Guru Kirpa Feed Store

....Appellant

Versus

M/s Akash Feed Store

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr.Ashok Giri, Advocate for the appellant.

VIKAS SURI, J.(Oral)

At the very outset, learned counsel for the appellant seeks withdrawal of the present appeal. It is submitted that the parties have amicably resolved their differences and settled the dispute. The same has since been reduced into writing by way of an instrument titled compromise deed. Learned counsel has filed copy of the said compromise deed dated 24.02.2020 in the Court today, which is taken on record subject to just exceptions. Clauses 2 and 3 of the same read as under:

“2. That the second party undertakes to withdraw the execution petition pending before the Hon'ble executing court and first party undertakes that above said cheque will be encashed on its presentation in the bank.

3. That first party will withdraw the appeal pending before Hon'ble High Court by making the statement as per compromise and by bringing on record present compromise.”

Learned counsel for the appellant would submit that pursuant to the

and withdrawn the Execution petition. The same was dismissed as withdrawn vide order dated 11.09.2021.

A perusal of the order sheets would show that notice of motion was issued vide order dated 27.01.2020 for 28.09.2020. As per the case file, no appearance has been put on behalf of the respondent till date, to contest the appeal.

Keeping in view the aforesaid and there being no opposition, the prayer made by the learned counsel for the appellant is liable to be accepted. Accordingly, the present Regular Second Appeal is dismissed as withdrawn.

24.01.2023
Meenu

(VIKAS SURI)
JUDGE

Whether speaking/non speaking : *Yes/no*
Whether reportable : *Yes/No*