

CR-1791-2014 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CR-1791-2014 (O&M)
Decided on : 31.08.2023

Rajan Jain

. . . Petitioner(s)

Versus

M/s Ram Partap Bhura Mal and Ors.

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Saksham Khunger, Advocate
for the applicant-petitioner(s).

Mr. Varun Girdhar, Advocate
for the non-applicants/respondent(s).

SANJAY VASHISTH, J. (Oral)

1. Civil Miscellaneous Application No.15466-CII-2023, has been filed under Order 23 Rule 1 read with Section 151 CPC, by the applicant-petitioner, for seeking permission to withdraw present revision petition in view of the compromise-deed dated 29.07.2023, and for exemption from filing certified copy of the compromise-deed dated 29.07.2023 (A-1).

Copy of present application along with compromise-deed dated 29.07.2023, has already been supplied to learned counsel for the non-applicants/respondents.

2. Notice of this application to the non-applicant/respondents.

3. At this stage, Mr. Varun Girdhar, Advocate, puts in appearance on behalf of non-applicants/respondents, and accepts the notice.

4. On joint request of learned counsel for the parties, main revision petition, which is on the regular board of this Court at serial No.1095, is taken up for its hearing and disposal today itself.

5. Counsel for the non-applicants/respondents admits the factum

of compromise, as stated in the application, and also submits that copy of the notarized compromise-deed dated 29.07.2023 (A-1) is correct, and in fact, both the sides i.e. petitioner and respondents have entered into compromise, and same is being relied upon by both the sides.

6. Heard.

7. Parties to the *lis* are unison for grant of relief as prayed for in CM-15466-CII-2023, as already noticed hereabove, and made their specific statement to that effect today in the Court.

8. Counsel for the parties referred to para Nos. 2 & 3 of the compromise-deed (A-1) in regard to the settlement of payment of amount by the respective parties. Para Nos. 2 & 3 of the compromise-deed (A-1) are reproduced hereunder in extracted form:-

“2. Now with the intervention of the respectables of the both the parties, the parties to this compromise deed had settled their scores and sorted out their bitterness and compounded the entire matter with their sweet will without any sort of pressure and coercion. In fact the actual dispute was a money dispute and now the party of the 2nd part has paid Rs.8,00,000/- (Rs.Eight lacs) to the party of the 1st part in form of cash in the presence of witnesses at Ludhiana and agree to pay the remaining amount of Rs.7,00,000/- (Rupees Seven lacs) after withdrawal from the court which was earlier deposited in Execution-145/2003 decided on 6.11.2013 by the court of Shri Heera Singh Gill, CJ(JD), Ferozepur. The total settle amount is Rs.15,00,000/- (Rupees Fifteen lacs) which is to be paid by the party of the 2nd part to the party of 1st part in lieu of this compromise and party of the 2nd part will do their

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best efforts to withdraw the amount from the court as early as possible.

3. *That both the parties to this compromise deed will withdraw their pending cases after the payment of remaining settled amount i.e. Rs.7 lacs which is to be paid after withdrawal from the court.”*

9. In view of the prayer made in CM-15466-CII-2023, to which no objection has been raised by learned counsel appearing for the respondents and keeping in view the stand taken by respective parties and specific statements made on their behalf by their respective counsel, the prayer made in the application is **allowed**.

Consequently, main petition i.e. CR-1791-2014 is ordered to be **dismissed as withdrawn**. However, learned Executing Court is directed to release the amount of Rs.7,00,000/-, lying deposited with it (in Execution No.145/2003, decided on 06.11.2013), which was deposited by the respondents as prayed in the present application.

Revision petition stands disposed of as having been withdrawn.

Lower Court Records be also returned forthwith.

Civil miscellaneous application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

August 31, 2023

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No