

RSA-1261-2019 (O&M)

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

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RSA-1261-2019 (O&M)

Decided on : 01.12.2023

Jagdish Kaur Anand and another

... Appellant(s)

Versus

Ramesh Kumar Mittal and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Dinesh Ghai, Advocate and
Mr. Nikhil Ghai, Advocate
for the applicant-appellant(s).

Mr. Som Nath Saini, Advocate
for applicant-respondent No.1.

SANJAY VASHISTH, J. (Oral)

CM-13205-C-2023

i. This is an application filed under Section 151 CPC, for seeking clarification/modification of order dated 20.11.2023, passed by this Court in in CM-12715-C-2023 (wrongly written as CM-12315-C-2023).

ii. At the outset, learned counsel for the applicants-appellants seeks withdrawal of present application, at this stage.

Dismissed as withdrawn.

CM-12718-C-2023

i. Learned counsel for the applicants-appellants points out that inadvertently, the provision of law mentioned in the application (CM-12718-C-2023) is 151 CPC, whereas, the correct provision of law for moving such application is Order XXIII Rule 1 & 3 of CPC. Thus, he prays for considering the prayer made in the present application under the provisions of law i.e. under Order XXIII Rule 1 & 3 of CPC.

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Ordered accordingly.

ii. Present application has been filed by the applicants-appellants, for disposal of the main appeal in view of compromise-deed dated 24.03.2023 (Annexure A-4). Notice in the said application was issued vide order dated 20.11.2023.

iii. In response to the order dated 20.11.2023, learned counsel for respondent No.1, in CM-12718-C-2023 filed reply/affidavit dated 26.11.2023, in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

A copy thereof has been handed over to learned counsel for the applicants-appellants.

iv. Compromise-deed dated 24.03.2023 (Annexure A-4) filed along with CM-12718-C-2023, is taken on record, subject to all just exceptions. Registry is directed to tag the same at appropriate place on the case file.

However, counsel for the applicants-appellants submits that he does not want to press the request for taking on record the remaining documents, which are appended with CM-12718-C-2023.

Application is **allowed as prayed for**.

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1. Learned counsel for the appellants submits that in view of the factum of compromise and execution of compromise-deed dated 24.03.2023 (Annexure A-4), having been signed by all the parties concerned, present appeal can be disposed of accordingly.

2. As per the contents of the reply/affidavit dated 26.11.2023, filed on behalf of respondent No.1 in Court today, factum of compromise between the parties is true and the same has been signed by the parties from both the

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sides with their own free will and without any pressure from anyone.

3. Therefore, learned counsel appearing on behalf of both the sides are *ad idem* that present appeal be disposed of on the basis of aforesaid compromise-deed dated 24.03.2023 (Annexure A-4).

4. Accordingly, in view of the factum of compromise-deed dated 24.03.2023, having been executed between the parties, and keeping in view the stand taken by the parties, present appeal stands **disposed of** in terms of the said compromise.

Needless to say that parties would abide by the terms of the compromise-deed dated 24.03.2023 (Annexure A-4).

Decree sheet be drawn accordingly.

A copy of this judgment & decree, be sent to the learned First Appellate Court as well as learned Trial Court for information.

Pending misc. application(s), if any, also stands disposed of.

(SANJAY VASHISTH)
JUDGE

December 01, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No