

CM-370-C-2023 IN/AND
RSA-5211-2019 (O&M)
114

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

**CM-370-C-2023 IN/AND
RSA-5211-2019 (O&M)
Date of decision: January 18, 2023**

Avtar Singh

....Applicant-Appellant

versus

Vijay Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. S.S. Sahu, Advocate for the applicant-appellant.

Ms. Shelja Sharma, Advocate
for the non-applicant-respondent.

ARUN MONGA, J. (ORAL)

CM-370-C-2023

This is an application to dispose of the second appeal in view of the compromise effected between both the parties and to refund the Court fees deposited by the applicant-appellant.

On an oral request of learned counsel for the parties, main case, which is slated for hearing on 05.07.2023, is taken on Board today itself. Next date in the main appeal is cancelled. Registry to do the needful.

Application stands disposed of.

Main case (O&M)

Having suffered concurrent adverse findings by the two Courts below, defendant is in second appeal before this Court assailing the trial Court judgment and decree dated 09.03.2015, as upheld by the learned First Appellate Court vide its judgment and decree dated 09.08.2018.

2. Learned counsel appearing on behalf of the parties are *ad idem* that during pendency of proceedings, both the parties have recorded their statement before the learned Executing Court to amicably settle the matter and a compromise has been effected. They pray for disposal of the instant second appeal, accordingly. They further rely on the Apex Court judgment rendered in **Special Leave Petition (Civil) Nos.3063-3064 of 2021** titled **High Court of Judicature at Madras Rep. by its Registrar General versus M.C. Subramaniam and others**, decided on 17.02.2021 and judgments rendered by this Court in **CR-81-2014** titled **Pradeep Sonawat versus Satish Prakash @ Satish Chandra** and **RSA-1425-2018** titled **Pritam Singh versus Ashok Kumar** to contend that in case parties settle their dispute irrespective of the fact whether it was before Lok Adalat or otherwise, they are entitled for refund of Court fees as per applicable Rules.

3. In the premise, second appeal is disposed of as amicably settled and Registry to take steps to refund the Court fees upon an application filed, in accordance with law.

4. Pending applications, including application for condonation of delay, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January 18, 2023

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No