

RSA-1444-1990

2023:PHHC:071679

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

**CM-5460-C-2023 in/and
RSA-1444-1990(O&M)**

Date of decision : 17.05.2023

Karam Singh (deceased) through LRs

...Appellant(s)

Versus

Pritam Kaur (deceased) through LRs

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. D.V. Sharma, Senior Advocate,
with Ms. Sunder Kumari, Advocate,
for the applicant-appellant.

Mr. V.K. Jindal, Senior Advocate,
with Mr. R.K. Arya, Advocate,
for the respondent.

MAHABIR SINGH SINDHU, J.

CM-5460-C-2023

Application for placing on record the compromise deed dated 12.05.2023 as Annexure C-1 and for disposal of the present appeal in terms thereof.

Notice of the application to the non-applicants.

Mr. R.K. Arya, Advocate, accepts notice on behalf of the non-applicant/respondent and raises no objection against the prayer made.

For the reasons stated in the application as well as stand taken by learned counsel for the respondent, same is allowed.

As a result thereof, compromise deed dated 12.05.2023 is taken on record.

Main case

Present second appeal has been preferred by the defendant against the judgment and decree dated 01.03.1990, passed by learned Additional District Judge, Gurdaspur, whereby, his appeal against the judgment and decree dated 01.02.1989, passed by learned Senior Sub Judge, Gurdaspur, thereby decreeing the suit of plaintiff, stood dismissed.

2. Learned counsel for the parties jointly stated that matter has been amicably settled between the parties at their own level vide compromise deed dated 12.05.2023 (C-1) and relevant part of the same reads as under:-

“3. That, during the pendency of this Regular Second Appeal the Hon’ble High Court of Punjab & Haryana, the dispute qua to the above said land has been amicably settled between the parties with the intervention of respectable and relatives as under:-

i) That, the parties have settled the matter amicably without any pressure or coercion and there is no ill will against each other.

ii) That, the First Party has left its claim for execution of the judgments and decrees qua the above said land as Second Party has already compensated the loss suffered by the First Party. The Second Party has paid back the earnest money along with interest and litigation expenses etc. incurred on up till now to the First Party in the presence of witnesses.

iii) That, First Party has No objection in allowing RSA No.1444 of 1990 titled as Karam Singh Vs. Pritam Kaur in view of the compromise and set aside the judgments and decrees, the matter having been compromised.

iv) That, both the parties undertakes not to raise any kind of dispute with regard to the above mentioned land in future.

v) *One of the appellants and one of the defendants are authorized to make statement in the Hon'ble court for disposing off the R.S.A. in term of the compromised deed."*

3. In view of the agreed stand taken by both sides, this appeal is disposed off in terms of the aforesaid compromise and the impugned judgments & decrees passed by learned Courts below are set aside to that extent.

4. Decree sheet be prepared, accordingly.

5. It is made clear that both sides shall be bound by the terms & conditions recorded in the compromise, noticed hereinabove and in case of any breach by either side, the legal consequences shall follow.

17.05.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No