

RSA-1417-2020 (O&M)

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

121+288

RSA-1417-2020 (O&M)

Decided on : 24.08.2023

Harish Kumar and others

. . . Appellant(s)

Versus

Manav Samaj Kalyan Kendra Bharat Branch,
Kurukshetra

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Anurag Chopra, Advocate
for the appellant(s).

None for respondent No.1.

Mr. Kulwant Singh, Advocate for
Ms. Aashna Aggarwal, Advocate
for applicant-respondent No.2.

SANJAY VASHISTH, J. (Oral)

CM-130-C-2021

i. This is an application filed under Order 22 Rule 10 read with Section 151 CPC, for seeking permission to implead applicant namely; Inder Kumar Singla, aged 57 years, son of Babu Ram, r/o Model Town, Pehowa, Tehsil Pehowa, District Kurukshetra, as respondent No.2 in the present appeal.

ii. Notice of this application was issued.

iii. Counsel appearing for the non-applicant/appellants pleads no objection to the prayer made in the application. Accordingly, in view of the averments made in the application, which is duly supported by notarized affidavit of the applicant, prayer made in the application is allowed and the applicant namely; Inder Kumar Singla, aged 57 years, son of Babu Ram, r/o

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Model Town, Pehowa, Tehsil Pehowa, District Kurukshetra, is ordered to be impleaded as respondent No.2 in the array of respondents.

CM stands disposed of accordingly.

Amended memo of parties filed along with the application is taken on record. Office to tag the same at appropriate place in the case file.

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1. Civil Miscellaneous Application bearing No.CM-6158-C-2023, has been filed by the applicant-appellants, for seeking withdrawal of main appeal i.e. RSA-1417-2020.

2. It has been averred in the application that during the pendency of present appeal before this Court, with the intervention of the close relatives, family friends and other respectables, dispute between the parties (i.e. appellants-plaintiffs and respondent-defendant), has been amicably resolved. In this regard, a compromise deed dated 23.05.2023 (A-1) has also been executed between the parties. Relevant paragraphs No.3 & 4 of CM-6158-C-2023, are reproduced as under:-

“3. That during the pendency of the above mentioned appeal, upon intervention of the close relatives, family members and other respectables, the dispute between the appellant/applicant and the respondents has been amicably resolved vide a compromise deed dated 23.05.2023, as a consequence whereof, the appellant/applicant does not the leave of this Hon’ble Court to withdraw the above mentioned appeal. For the kind perusal of this Hon’ble Court, a copy of the Compromise Deed dated 23.05.2023 is being annexed herewith as **Annexure A/1**.

4. That the withdrawal of the above mentioned appeal and the institution of the instant application in this Hon’ble Court is out of the free will and consent of the

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appellant/applicant without any duress, coercion or undue influence from either the respondents or from any other person.

It is, therefore, respectfully prayed that in the light of the facts and circumstances detailed hereinabove, the instant application may kindly be allowed and the applicants/appellants may be permitted to withdraw the above mentioned appeal.”

3. Mr. Kulwant Singh, Advocate, who is present in Court, accepts notice on behalf of the non-applicant/respondent No.2, and also confirms the statement made by counsel for the applicant-appellants. Copy of the application along with affidavit has already been received by them in advance.

4. After hearing learned counsel for the parties, and in view of the averments made in the application, which is supported by a notarized affidavit of applicant-appellant No.1, prayer made in the application is allowed, and the applicant-appellants are permitted to withdraw main appeal. CM stands disposed of.

5. Consequently, main appeal i.e. RSA-1417-2020 (O&M) is dismissed as withdrawn.

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

(SANJAY VASHISTH)
JUDGE

August 24, 2023

J.Ram

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