

CM-7195-C-2019, CM 7196-C-2019,

CM-4191-C-2023, CM-4192-C-2023 in/and RSA-2622-2019

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-7195-C-2019, CM 7196-C-2019,

CM-4191-C-2023,

CM-4192-C-2023 in/and

RSA-2622-2019

Date of decision: 28.04.2023

Ram Mehar and others

.....*Appellants*

Versus

Rambir and others

.....*Respondents*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present : Mr. Sanjeev Manrai, Senior Advocate with
Mr. Malkiat Singh and Ms Neha, Advocates
for the applicants/appellants

Mr. Ankit Midha, Advocate
for the caveators-respondents

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Rajbir Sehrawat, J. (Oral)

CM-7195-C-2019

Prayer in this application filed under Rule 2 Chapter 1 Part C
Vol. V of the High Court Rules and Orders read with Order 22 Rule 4 read
with Section 151 of the Code of Civil Procedure is for impleading the
applicants as legal representatives of deceased Megh Raj.

For the reasons mentioned in the application, the same is
allowed and the persons whose names have been mentioned in para-3 of the
application are ordered to be impleaded as legal representatives of appellant
No. 4 - Megh Raj (since deceased), for the purpose of present lis, subject to

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all just exceptions.

Amended memo of parties, attached with the application, is taken on record.

CM-7196-C-2019

Prayer in this application filed under Section 149 of the Code of Civil Procedure is for seeking extension of time to pay the requisite Court fee in the appeal.

Since the deficiency of the Court fee has already been made good, no action is called for and the miscellaneous application is disposed of as such.

CM-4191-C-2023

Allowed as prayed for.

CM-4192-C-2023

Prayer in this application is for preponing the date of hearing of the main case to some early date.

Notice in the application.

Mr. Ankit Midha, Advocate accepts notice on behalf of the non-applicant/respondents. Counsel for the non-applicant/respondent submits that he has no objection, if the prayer made in the application is allowed.

In view of the above, the application is allowed and date of hearing of the main case is proponed from 17.07.2023 for today and the same is taken for hearing today, itself.

Main case

Rambir and Vijay Pal Bhati, plaintiffs/respondents herein

filed the civil suit for specific performance of agreement to sell dated 10.06.2006 with consequential relief of permanent injunction against the defendants/appellants. The trial Court decreed the suit with costs and simultaneously directed the defendants to execute and register the sale deed with regard to the suit property. The defendants were also directed to hand over the possession of the suit land to the plaintiff at the time of execution and registration of the sale deed, vide judgment and decree dated 28.07.2014. Thereafter, the defendants/appellants approached the appellate Court by filing appeal against the judgment and decree dated 28.07.2014 passed by the trial Court. The lower appellate Court dismissed the appeal with costs and upheld the judgment and decree of the trial Court vide judgment and decree dated 19.01.2019.

Having dissatisfied with the concurrent findings returned by both the Courts below, the defendants/appellants have filed the present regular second appeal.

At this stage, counsel for the appellants submits that the present regular second appeal may be allowed in terms of the compromise; which has been effected between the parties.

Counsel for the respondents has not disputed the genuineness of the compromise dated 29.03.2023, attached with the application as Annexure A-1 which is taken on record. Counsel for the respondents has also submitted that he has no objection if the main appeal is allowed in terms of the compromise.

In view of the above, the present regular second appeal is allowed in terms of the compromise dated 29.03.2023 (Annexure A-1). The

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compromise at Annexure A-1 be made part of this order. The decree be drawn accordingly.

All pending miscellaneous application, if any, are also disposed of as such.

(Rajbir Sehrawat)
Judge

28.04.2023.
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No