

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

CWP-8240-2023

Date of decision : 26.05.2023

Munish Kumar and another

...Petitioners

Vs.

**Appellate Authority, Maintenance
Tribunal, and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Mukul Aggarwal, Advocate for the petitioners.

Mr. Yogesh Jangra, Advocate for

Mr. Sherry K.Singla, Advocate for respondent No.2.

MANOJ BAJAJ, J.

By means of this writ petition filed under Article 226 Constitution of India petitioners have prayed for issuance of a writ in the nature of certiorari for setting aside the order dated 01.02.2023 (Annexure P-11), passed by appellate authority whereby the order dated 18.11.2022 (Annexure P-7) passed by Maintenance Tribunal dismissing application by Shashi Bala-respondent No.2 under The Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was set aside, and further ordered cancellation of transfer deed dated 01.06.2016 executed by Shashi Bala in favour of Munish Kumar.

During the course of hearing, learned counsel for the parties have pointed out that after execution of transfer deed dated 01.06.2016 by respondent No.2, namely, Shashi Bala in favour of her brother-Munish Kumar (petitioner No.1), the said property was further transferred and finally the title of this property was passed on to Aarti Charya wife of Amolak Kumar through

sale deed dated 18.11.2022 and by virtue of the impugned decisions, the title of the property in favour of Aarti Charya got disturbed.

Today, learned counsel for the parties have produced a copy of the compromise dated 24.05.2023 between the petitioners and respondent No.2 and submitted that with this amicable settlement, respondent No.2 agreed to maintain the validity of the transfer deed dated 01.06.2016 in favour of her brother-Munish Kumar and further with this arrangement, the title in favour of Aarti Charya would remain intact as she is also a party to the compromise. The relevant terms of settlement reads as under:-

“Now parties have compromised the matter in dispute with each other. The party of third part admits the correctness of the transfer deed executed by her in favour of part of first part in respect to that property as well as the sale deed executed by party of third part in favour of the party of fourth part and she will co-operate the party of first and second part for getting the said order so passed by the court of ADC, Ludhiana set aside by filing a writ petition before the Hon'ble Punjab & Haryana High Court, Chandigarh. She also admits the correctness and genuineness of the transfer deed executed by party of first part in favour of party of second part and the sale deed executed by party of second part in favour of party of fourth part in respect to the property in question. She also admits the party of fourth to be the owner in possession of the said property and undertake not to claim any right, title or interest in the said property in future nor she will initiate any civil, criminal or revenue proceedings against party of fourth part in respect to the said property in future. All the parties have agreed that they shall withdraw their respective cases/complaints if any filed against each other and in future none of them shall file any civil suit or criminal case or any complaint against any person in respect to the said property.

Party of first and second part have already filed CWP No.8240 of 2023 (Munish Kumar and Shabnam Vs. Appellate Authority, Maintenance Tribunal) before the Hon'ble Punjab and Haryana High Court for setting aside the order dated 01.02.2023 passed by Appellate Authority - Shri Amarjeet Singh Bains. It is mutually understood between the parties and party of third part undertakes to get the said writ petition allowed by setting aside the order dated 01.02.2023, for which all requisite statements and affidavits would be filed by the party of third part namely Shashi Bala.”

Learned counsel for the petitioners prays that in view of the above compromise, the writ petition be disposed of.

The prayer is not opposed by learned counsel appearing on behalf of the respondent No.2, who further states that he has no objection in case the impugned orders are set aside and the rights of the parties are ordered to be governed through the above compromise. In this regard, he has filed the affidavit of Shashi Bala (respondent No.2).

In view of the above common stand of the parties, the compromise deed dated 24.05.2023 as well as the affidavit dated 25.05.2023 are taken on record and the impugned order dated 01.02.2023 (Annexure P-11) passed by appellate authority is set aside. It is further ordered that the rights of the parties in respect of subject property shall be governed as per the terms and conditions of the compromise deed dated 24.05.2023.

The writ petition is disposed of.

(MANOJ BAJAJ)
JUDGE

26.05.2023
vanita

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