

RSA No.494 of 2023 (O&amp;M)

1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

(128)

RSA No.494 of 2023 (O&M)  
Date of Decision:29.09.2023.

Lal Singh

.....Appellant

Versus

Harinderpal Singh and others

..... Respondents

***CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL***Present: Mr. Hitesh Verma, Advocate  
for the appellant.Mr. Dinesh Maurya, Advocate for  
Mr. Sonia G. Singh, Advocate  
for the respondents.

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**VIKRAM AGGARWAL, J. (ORAL)**

1. This is defendant's second appeal against the concurrent findings recorded by the Courts below. The suit filed by respondent No.1-plaintiff for specific performance of the agreement to sell dated 24.08.2008 was decreed by the Court of the Additional Civil Judge (Senior Division), Barnala, vide judgment and decree dated 06.09.2018. The appeal filed against the said judgment and decree was also dismissed by the Court of the District Judge, Barnala, vide judgment and decree dated 15.02.2022.

2. During the pendency of the present appeal, it was stated by learned counsel representing the parties that the matter had been amicably settled. Under the circumstances, a report was sought from the Mediation and Conciliation Centre, Barnala, where the parties were directed to appear.

3. The report has been received, as per which a settlement has been arrived at between the parties. The settlement agreement has also been annexed with the report. The settlement agreement states as under:-

*“1. It has amicably settled between the parties that both parties agreed to resolve their dispute by way of compromise and party no.1 Lal Singh is admitted that judgment and decree under appeal and has no grudge with party no.2 Harinder Pal Singh, who is power of attorney holder of other respondents in the present appeal. (Copy of power of attorney is attached).*

*2. It has been amicably settled that the party no.1 Lal Singh will withdraw the present appeal after admitting the judgment and decree under appeal and party no.1 Lal Singh will move an application before the Hon’ble Mr. Justice Vikram Aggarwal, Judge, Punjab and Haryana High Court, Chandigarh with this request that the Court fees which has been affixed at the time of filing the present appeal may be refunded to the appellant/party no.1 Lal Singh and party no.2 Harinder Pal Singh will not raise any objection if the Hon’ble Court accepted the application of party no.1 Lal Singh.*

*3. Both the parties will bound by the terms and conditions of this settlement agreement, in future.”*

4. In view of the fact that the matter has been settled, learned counsel for the appellant submits that he may be permitted to withdraw the present appeal and that the Court fee be refunded to the parties as per rules.

5. Since a settlement has been arrived at, parties to the *lis* shall remain bound by the same. Both parties shall adhere to the settlement arrived at before the Mediation and Conciliation Centre, Barnala and shall abide by the terms and conditions laid down in the settlement agreement. The appeal is dismissed as having been withdrawn. In so far as the Court fee affixed with the present appeal is concerned, a direction is issued to the District Collector, Chandigarh to refund the same to the appellant as per rules within a period of two months from the date of moving of an application in this regard by the appellant along with a certified copy of

the order passed by this Court. In so far as the Court fee affixed in the suit as also in the first appeal is concerned, necessary directions be issued to the Courts concerned by the Registry of this Court to refund the Court fee paid by the parties on filing of the suit and filing of the appeal in accordance with law and to take necessary steps in this regard upon an application being moved by the parties concerned.

September 29<sup>th</sup>, 2023  
Rekha

(VIKRAM AGGARWAL)  
JUDGE

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