

CM-2764-CWP-2023 in/and
CWP-13292-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-2764-CWP-2023 in/and
CWP-13292-2019 (O&M)
Date of Decision: 17.02.2023

JASWINDER SINGH @ JARNAIL SINGH

.. Petitioner

Vs.

DISTRICT MAGISTRATE CUM APPELLATE TRIBUNAL AND
OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.S. Bajaj, Advocate for the petitioner.

Mr. Ravi Chadda, Advocate for applicant-respondent No.3.

...

Manoj Bajaj, J. (Oral)
CM-2764-CWP-2023

This application is for pre-poning the date of hearing of the
main petition to an early date.

Notice in the application.

At this stage, R.S. Bajaj, Advocate accepts notice on behalf of
the petitioner and does not oppose the prayer.

Application is allowed and the date of hearing is pre-poned to
today.

CM-2769-CWP-2023

Application is allowed, subject to all just exceptions.
Additional affidavit of respondent No.3 along with copy of compromise
dated 24.01.2023 as Annexure R-3/1 is taken on record.

CWP-13292-2019 (O&M)

Petitioner has filed this writ petition under Article 226

Constitution of India for issuance of a writ in the nature of certiorari seeking

quashing of the order dated 14.03.2019 (Annexure P-6) passed by appellate authority affirming the order dated 07.08.2018 (Annexure P-4) passed by respondent No.2, whereby application filed by respondent No.3 under Maintenance and Welfare of Parents and Senior Citizen Act, 2007 was allowed.

Learned counsel for respondent No.3 states that during the pendency of this petition, with the intervention of respectables of the village, respondent No.3 and both his sons i.e. Jaswinder Singh @ Jarnail Singh (petitioner) and Rajinder Singh have reconciled and a compromise has been arrived at between them. The compromise deed is annexed as Annexure R-3/1 and the relevant terms of settlement reads as under:-

- 1) First Party undertakes to fulfil all paper formalities in case Second Party is willing to go to Germany.*
- 2) In case Second Party wishes to stay in the village only, First Party will ensure proper care of the Second Party. They will either take care of the Second Party themselves or will hire caretaker for the said purpose. All the expenses for the same will be borne by the First Party.*
- 3) Since all the differences and misunderstandings between both the parties have been removed, Second Party has no objection in case the transfer deed dated 13.04.2011 referred above is held valid. As such, Second Party has no objection if above referred CWP No.13292/2019 filed by Jaswinder Singh of First Party is allowed and order dated 07.08.2018 passed by SDM Dasuya and order dated 14.03.2019 passed by DM-cum-Appellate Tribunal, Hoshiarpur are set aside. Second Party undertakes to make necessary statement or file an affidavit in this regard before the Hon'ble High Court, Chandigarh where the above said writ petition is pending or before any other Authority/Court.*

4) *Both the parties undertake to remain bound by the terms and conditions of this compromise and none of them will back out from the same.*

Learned counsel for the respondent No.3 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 petitioner, 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 view of the above common stand of the rival parties, who are closely related, the impugned orders dated 14.03.2019 passed by Appellate Tribunal Hoshiarpur and the order dated 07.08.2018 passed by SDM-cum-Presiding Officer Maintenance Tribunal, Dasuya are set aside, and further it is ordered that the rights of the parties shall be governed as per the terms and conditions of the compromise.

The writ petition is disposed of.

As the main case is decided, therefore, pending miscellaneous application(s), if any, be treated as disposed of.

17.02.2023
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No