

CM-9496-C of 2023 in/and
RSA-3329 of 2019 (O&M)

2023:PHHC:116094

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

CM-9496-C of 2023 in/and
RSA-3329 of 2019 (O&M)
Date of decision: 04.09.2023

Sarabjit Singh and others

.....Appellants

vs.

Kuldip Singh and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Dinesh Ghai, Advocate, and
Mr. Nikhil Ghai, Advocate,
for the applicant-appellants.

Mr. S.S. Brar, Advocate,
for respondents No.1 and 4.

NAMIT KUMAR, J. (ORAL)

CM-9496-C of 2023

This application has been filed by the applicant-appellants under Section 151 CPC for preponement of date of hearing of the main case, which is fixed for hearing on 12.12.2023.

In view of the averments made in the application, which is duly supported by an affidavit, same is allowed. Date of hearing in the main case is preponed and the same is taken on board for hearing today itself.

CM-9497-C of 2023

This application has been filed by the applicant-appellants under Order XXIII Rules I & III read with Section 151 CPC for

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withdrawal of RSA-3329 of 2019 in view of the fact that matter has been compromised between the parties.

In para 2 of CM-9496-C of 2023 it has been averred as under: -

“That on the last date of hearing i.e. 01.05.2023 the case has been adjourned for a longer date i.e. 12.12.2023. As per post development in the case some mutual understanding compromise has been taken place between the parties to the pending R.S.A. No.3329 of 2019 whereby the appellants/applicants admit that Sh. Baljit Singh S/o Sh. Ujjagar Singh, R/o Village Dhigana during his life time had executed Will dated 06.01.2007 in favour of respondents with his free Will in sound disposing mind and now the misunderstanding of the appellants/applicants with regard to the said Will dated 06.01.2007 stands cleared, as such the orders impugned in R.S.A. are deemed to be legal and correct.”

Applicant-appellant No.1 – Sarabjit Singh and respondents No.1 and 4, namely, Kuldip Singh and Surinder Singh, respectively, are present in Court. They along with their counsel have affirmed the compromise.

In view of the above, present application is allowed and Regular Second Appeal is permitted to be withdrawn.

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Dismissed as withdrawn.

04.09.2023
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No