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

CM-2812-CWP-2023 in/and
CWP-16029-2021 (O&M)
Date of decision : 23.02.2023

Mukesh and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vikram Singh, Advocate for the petitioners.

Ms. Upasana Dhawan, AAG, Haryana
for respondent Nos.1 to 4.

Mr. R.N. Lohan, Advocate and
Mr. Chander Pal Tiwana, Advocate
for respondent Nos.5, 6, 8 to 10.

VIKAS BAHL, J. (ORAL)

This is an application filed under Section 151 CPC read with Order 23 Rule 3 for disposal of the writ petition in terms of compromise (Annexure A-1) and further for modification of *Sanad Takseem* dated 14.08.2015 (Annexure P-15) in terms of the compromise and as per amended *Sanad Takseem* (Annexure A-2) amended/prepared by both the parties with their mutual consent.

Learned counsel for the petitioners as well as respondent Nos.5, 6, 8 to 10 have jointly submitted that the present Civil Writ Petition was filed challenging the order dated 08.07.2021 (Annexure P-21), 14.08.2015 (Annexure P-15), order dated 15.07.2015 (Annexure P-9), order dated

30.05.2014 (Annexure P-4) and order dated 25.02.2014 (Annexure P-3). It is further submitted that *Sanad Takseem* was prepared vide order dated 14.08.2015 and the said *Sanad Takseem* was upheld upto the Court of the Financial Commissioner and that, during the pendency of the present Civil Writ Petition, with the intervention of the respectables of the village in order to bring about peace and harmony between the parties, the matter has been compromised and the same has been resolved amicably. It is contended that compromise (Annexure A-1) dated 08.02.2023 has been signed by all the parties to the partition and same has been entered into without any fear, pressure or coercion. It is further contended that the amended *Sanad Takseem* (Annexure A-2) has been prepared with the consent of all the parties and it is, thus, jointly prayed that the amended *Sanad Takseem* (Annexure A-2) be read as the final *Sanad Takseem* in the present case and all the parties would be bound by the amended *Sanad Takseem* (Annexure A-2). It is also prayed that the mutation also be sanctioned as per the amended *Sanad Takseem*. It is also prayed that the present application may kindly be allowed and the date of hearing in the main Civil Writ Petition be preponed from 03.04.2023 to today and same may kindly be taken on Board today itself for final disposal.

Learned State Counsel has submitted that since the parties have compromised the matter thus, they have no objection in case the present application is allowed and the main Civil Writ Petition is disposed of today itself and the amended *Sanad Takseem* is read as the final *Sanad Takseem*.

Keeping in view the abovesaid facts and circumstances, the present application bearing No.CM-2812-CWP-2023 is allowed and the

date of hearing in the main Civil Writ Petition is preponed from 03.04.2023 to today and same is taken up on Board today itself for final disposal and the same is disposed of with the following observations:-

- i) The amended *Sanad Takseem* (Annexure A-2) would be considered as the final *Sanad Takseem* and the *Sanad Takseem* (Annexure P-15) would stand superseded by the amended *Sanad Takseem* (Annexure A-2).
- ii) The parties would be bound by the terms of the compromise dated 08.02.2023 (Annexure A-1).
- iii) The rights of the parties would be governed and determined by the amended *Sanad Takseem* (Annexure A-2).
- iv) It would be open to the parties to get the mutation sanctioned as per the amended *Sanad Takseem* .

It is, however, made clear that although, all the concerned parties have signed the compromise but since all the said parties are not before this Court thus, it would be open to any of the parties who have not been represented, to move an application in case they are disputing the compromise.

All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

23.02.2023

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No