

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CM-8474-C-2023 and
CM-8488-C-2023 in/and
RSA-331-2005

Date of Decision : 02.09.2023

Kamlesh Kumari

....Appellant

Versus

Inder Singh through his L.R.

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Arun Sharma, Advocate
for the applicant/appellant in CM-8474-C-2023.

Mr. K.S. Dalal, Advocate
for the applicant/respondent in CM-8488-C-2023.

NAMIT KUMAR, J. (ORAL)

CM-8488-C-2023

Prayer in the instant application filed under Rule 3 Chapter I Part-C, Volume 5 of the High Court Rules and Orders read with Order 22 rule 4 & 11 of CPC is to impel the LR of respondent-Inder Singh, who is stated to have expired on 12.04.2023.

Notice in the application was issued on 22.08.2023.

Learned counsel for non-applicant/appellant has no objection, if the present application is allowed.

In view of the averments made in the application and no objection by learned counsel for the non-applicant/appellant, the same is allowed and LR of deceased/respondent-Inder Singh as mentioned in para No.2 of the application is taken on record, without observing anything on

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the merits with reference to the Will in question.

Amended memo of parties is taken on record.

Registry to do the needful.

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Prayer in the present application filed under Order 23 Rule 3 read with Section 151 of the CPC is for disposal of the regular second appeal in terms of compromise/settlement dated 20.07.2023 arrived at between the parties.

Notice in the application was issued to opposite counsel on 22.08.2023.

For the averments made in the application, the same is allowed and with the consent of the parties, main appeal is taken up on board today itself which is pending post admission

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1. The applicant/appellant has filed application bearing No.CM-8474-C-2023 for disposal of the regular second appeal which is pending post admission in view of the compromise dated 20.07.2023 arrived at between the parties. A original copy of the compromise has been attached with the application as Annexure A-1.

2. In terms of compromise (Annexure A-1) a demand draft No.289407 dated 21.07.2023 amounting to Rs.9,84,000/- has been handed over by learned counsel for the respondent to learned counsel for the appellant. Photocopy of the same has been produced in the Court

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which is also taken on record.

3. The factual position as set out above is not disputed by the learned counsel for the respondent/non-applicant, rather he submit that let this appeal be disposed of in view of the compromise arrived at between the parties.

4. Consequently, the present regular second appeal is disposed of in view of compromise dated 20.07.2023 (Annexure A-1) arrived at between the parties and accordingly, the judgment and decree assailed in this appeal is modified in terms thereof.

02.09.2023
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No