

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-17680-2022(O&M)

Date of decision : 22.05.2023

Ramjas

... Petitioner

Versus

The Commissioner, Gurugram Division, Gurugram and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Tarun Yadav, Advocate
for the non-applicant/petitioner.

Ms.Rajni Gupta, Addl.A.G. Hayrana
for respondents no.1 to 3.

Mr. Sandeep Kumar Yadav, Advocate
for the applicant/respondents no.4 to 6.

VIKAS BAHL, J.(ORAL)

CM-8494-CWP-2023

1. This is an application under Section 151 CPC for preponment of the main petition from 09.11.2023 to today as the matter has been compromise between the parties.

2. Learned counsel for the non-applicant/petitioner has stated that the matter has been compromised and he has no objection in case the application is allowed.

3. In view of the above, the application is allowed and the main case is preponed from 09.11.2023 to today itself for hearing.

CM-8493-CWP-2023 in/& CWP-17680-2022

1. This is the civil writ petition filed under Articles 226/227 of the

impugned order dated 26.11.2018 passed by the Collector, Rewari (Annexure P-12) whereby the appeal filed by the private respondents no.4 to 6 against the order dated 13.02.2018 has been accepted and the case has been remanded back. Challenge is also to the order dated 26.05.2022 passed by the Commissioner, Gurugram Division, Gurugram.

2. Learned counsel for the petitioner as well as respondents no.4 to 6 have jointly submitted that in the present case, compromise dated 23.01.2023 has been effected between the parties which has been signed by the petitioner as well as respondents no.4 to 6. It is submitted that the parties have decided to partition the suit land as per the details given in Annexure R-4/2 and as has been depicted in the site plan which has been annexed at Pages 11-A and 11-B. It is submitted that the naksha, which has been prepared by the authorities, be modified in accordance with Annexure R-4/2 and the Sanad Takseem dated 04.04.2018 be issued in consonance with the details / site plan Annexure R-4/2. It is further submitted that the said compromise is genuine and bonafide, is in the best interest of the parties and will help in bringing out peace and amity between the parties.

3. Learned State counsel has submitted that since the present dispute pertains to partition proceedings between the parties and in case they have compromised the matter, they have no objection in case the present petition is disposed of in terms of the said compromise

4. Keeping in view the above said facts and circumstances, CM-8493-CWP-2023 is allowed and the present petition is disposed of with the following directions:-

- i) All the nakshas would stand amended and the naksha which is at Page 11-A and 11-B of CM-8493-CWP-2023 read along with Annexure R-4/2 (page 7 to 11 of CM-8493-CWP-

2023) would be read as final.

ii) All the orders passed by the authority as well as the other relevant documents would stand modified accordingly.

iii) It would be open to the parties to approach the Assistant Collector IInd Grade with the documents (Annexure R-4/2 along with the site plan annexed at pages 11-A and 11-B of Annexure R-4/2) depicting distribution of land on the basis of consent and the Assistant Collector IInd Grade is directed to prepare amended Sanad Takseem in accordance with Annexure R-4/2. Both the parties would be bound by the terms of compromise Annexure R-4/1 which has been duly signed by the petitioner as well as respondents no.4 to 6 and also the contents of Annexure R-4/2.

(VIKAS BAHL)
JUDGE

May 22, 2023
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No