

[208] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-3951-2010

Date of Decision :13.03.2023

Gopal Singh ...Appellant

versus

Shishpal and othersRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Kamal Chaudhary, Advocate for the appellant.
Mr. Aseem Aggarwal, Advocate for the respondents.

B.S. Walia, J. (Oral)

[1] Challenge in the instant regular second appeal is to the judgment and decree passed in Civil Appeal No.86 of 2008 by the learned Addl. District Judge, Faridabad, upholding the judgment and decree passed by the learned trial Court in Civil Suit No.RBT-918 of 1998.

[2] A perusal of the judgment and decree passed by the learned trial Court reveals that the appellant-plaintiff had filed a suit for decree of declaration that he was absolute owner in possession of suit property, mentioned in para No.1 of the plaint and shown by letters ABCD in red colour in the attached site plan and also to the effect that sale deed dated 13.05.1998 executed by respondent-defendant No.1 in favour of proforma defendants-respondents Nos.2 and 3 were null and void and not binding upon the rights of the plaintiff. Decree of permanent injunction had also been prayed for restraining the defendants from interfering in the peaceful possession of the plaintiff over the suit property and also for dispossessing him from the suit property illegally, forcibly and unlawfully.

[3] As has been noted above, both the Courts dismissed the claim of the appellant-plaintiff and decreed the counter claim filed by the respondents-defendants.

[4] At the outset, learned counsel for the parties jointly state that during the pendency of the instant appeal, the matter was referred to mediation and with the able assistance of Shri Sachin Jain, Mediator, a compromise/settlement dated 28.02.2023 has been arrived at between the parties and that in the circumstances, the appellant does not wish to pursue the instant appeal and may be permitted to withdraw the same.

[5] Copy of settlement agreement entered into between the parties in Mediation case No.276 of 2023 in RSA No.3951 of 2010 in case titled as Gopal Singh versus Shish Pal and others dated 28.02.2023 is taken on record. The same shall be read as part and parcel of the instant order.

[6] Parties are held bound to adhere to the terms and conditions of the settlement agreement as referred to above.

[7] Appeal *dismissed as withdrawn* in the light of the observations made above.

(B.S. Walia)
Judge

13.03.2023

'Rajneesh'

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