

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

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2023:PHHC:100869

**RSA-57-2023(O&M)
Date of decision: 04.08.2023**

**NAIB SINGH (DECEASED) THROUGH HIS
LRS AND ORS**

..Appellants

Versus

MAJOR SINGH AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rai Singh Chauhan, Advocate
Ms. Deepika Chauhan, Advocate
& Mr. Rohit Sapehiya, Advocate
for the appellants.

Mr. Sandeep Khunger, Advocate
for respondent No.1.

None for respondent No.2.

ANIL KSHETARPAL, J(Oral)

1. The concurrent findings of the fact arrived at by the Courts below while decreeing a suit for damages for illegal demolition of a running water course has been challenged by the defendants in this appeal.

2. The learned counsel representing the appellants submits that the principal amount of damages as assessed by the Courts below has already been deposited, which has been withdrawn by the plaintiffs. He submits that he has no objection if the appeal is disposed of, if the plaintiff does not claim any further amount namely, the interest.

3. On the other hand, the learned counsel representing the respondent submits that he has no objection to the proposal of the learned counsel representing the appellants. He submits that if the amount deposited by the appellant is paid to the plaintiffs, they shall not claim any further amount.

4. Keeping in view the aforesaid facts, a consensus has been arrived at between the learned counsel representing the parties. The plaintiffs (respondents herein) shall be entitled to withdraw the amount, if it has not been already withdrawn. The decree passed by both the Courts below shall stand satisfied. The judgment and decrees passed by both the Courts below are accordingly modified.
5. Disposed of accordingly.
6. All the pending miscellaneous applications, if any, are also disposed of.

August 04th, 2023
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(ANIL KSHETARPAL)
JUDGE

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