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

**RSA No. 2593 of 2016(O&M)
Date of Decision:12.07.2023**

Rohit Kumar and Others

... Appellant

Versus

Ashok Kumar

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. S.K. Rattan, Advocate
for the appellants.

Mr. S.S.Tiwana, Advocate
for the respondent.

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SANJIV BERRY, J.

CM-7366-C-2023

1. Counsel for the respondent filed reply to the miscellaneous application No. 6756-C of 2022. The same is taken on record.
2. CM application is disposed of accordingly.

CM-6756-C-2022

1. Application under Section 151 CPC has been filed for amendment in the compromise/settlement dated 18.05.2022 in Mediation Case No. 348 of 2020 before the Mediation & Conciliation Centre of this

Court to the effect that the appellants can withdraw the amount deposited in their names before the learned Courts below at Amritsar. Reply to the application has already been filed.

2. Learned Counsel for the appellants-plaintiffs contends that during pendency of the Regular Second Appeal bearing RSA No. 2593 of 2016, the matter was referred to the Mediation, wherein compromise/settlement dated 18.05.2022 was effected in Mediation case No. 348 of 2020 in the Mediation and Conciliation Centre of this Court to the fact that the appellants can withdraw the amount deposited in their names in the learned Courts below at Amritsar. He submitted that indulgence of this Court is sought that in addition the learned Courts below should also release, in favour of the appellants, the amount of ₹7,83,000/- got deposited by the respondents in the name of the appellants in compliance to the order dated 02.04.2016 passed by learned Additional District Judge, Amritsar in Civil Appeal No. 23 of 2015 along with interest if any.

3. The learned counsel representing the respondent is *ad idem* with the contention of the learned counsel for the appellant and has pleaded no objection. In this regard, the respondent has also filed reply vide CM 7366-C-2023 (supra).

4. In view of the 'no objection' pleaded by the learned counsel for the respondent and considering the contentions raised by the learned counsel for the petitioners and the averments made in the application, the present application is hereby allowed.

5. CM stands disposed of.

RSA No.2593 of 2016

1. Heard.
2. Briefly stated, the facts of the case are that plaintiffs-appellants had filed a suit for possession by way of specific performance of agreement to sell dated 10.01.2007 and 10.05.2007 which was contested by the defendant-respondent. After appreciating the evidence adduced by the respective parties the learned Civil Judge (Jr. Division) Amritsar, decreed the suit with costs vide the judgment and decree dated 16.12.2014. In appeal thereto preferred by the defendant-respondent the learned Additional District Judge, Amritsar partly allowed the appeal thereby partly decreeing the suit of the plaintiffs for alternative relief of recovery vide the impugned judgment and decree dated 02.04.2016. Aggrieved by the same, the present Regular Second Appeal has been preferred by the appellants-plaintiffs.
3. On notice, the appeal was contested by the respondent.
4. During course of proceedings vide order dated 15.01.2020 the matter was referred to the Mediation and Conciliation Centre of this Court to explore the possibility of amicable settlement between the parties.
5. Thereafter, the parties amicably settled the dispute vide compromise/settlement dated 18.05.2022 which has been placed on record along with the report of Mediator dated 18.05.2022.
6. Both the learned counsels representing the parties have categorically stated that the parties admit the undertakings given in the aforesaid compromise/settlement dated 18.05.2022 having been mutually settled in the Mediation and Conciliation Centre of this Court, and request

for the disposal of the present appeal accordingly. Further the learned counsels for the parties are *ad idem* in terms of the CM-6756-C-2022 (supra) that in addition to the terms of compromise/settlement dated 18.05.2022, the directions be given to learned courts below at Amritsar to release the amount of ₹7,83,000/- got deposited by the respondents in the name of the appellants in compliance to the order dated 02.04.2016 passed by learned Additional District Judge, Amritsar in Civil Appeal No. 23 of 2015 along with interest if any, in favour of the appellants.

7. In view of the aforesaid statements given by learned counsels for the parties, the present Appeal is hereby disposed of in terms of the compromise/settlement dated 18.05.2022 (supra) with further directions to the learned Courts below to release the amount of ₹7,83,000/- got deposited by the respondents in the name of the appellants in compliance to the order dated 02.04.2016 passed by learned Additional District Judge, Amritsar in Civil Appeal No. 23 of 2015 along with interest if any, in favour of the appellants. The parties shall remain bound by their respective undertakings given in compromise/settlement dated 18.05.2022 before the Mediation and Conciliation Centre of this Court.

8. Pending applications if any shall stand disposed of.

(SANJIV BERRY)
JUDGE

12.07.2023

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No