

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

RSA-2845-2015(O&M)  
Date of Decision :26.04.2023

Ravdeep Singh ...Appellant

versus

Jasgir Singh and others ....Respondents

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

Present : Mr. S.S. Ranghi, Advocate for the appellant.

Mr. TarunveerVashist, Advocate with  
Mr. BrijeshwarVashist, Advocate  
for the respondents.

\*\*\*

B.S. Walia, J. (Oral)

[1] Challenge in the regular second appeal is to the judgment and decree dated 20.02.2015 passed by the learned Addl. District Judge, Patiala, modifying the judgment and decree dated 31.05.2014 passed by the learned Addl. Civil Judge (Senior Division), Patiala, in Civil Suit No.319-T dated 16.07.2004 in case titled as '**Ravdeep Singh**versus**Bhan Kaur (since deceased) through her LRs and others**'.

[2] At the outset, learned counsel for the parties state that pursuant to the reference of the matter to the Mediation and Conciliation Centre attached to the Hon'ble Punjab and Haryana High Court, parties have entered into a compromise/settlement dated 18.04.2023 and that the parties agree to adhere to the terms and conditions contained therein.

Photocopy of the same is taken on record.

[3] Learned counsel for the appellant states that in view of the settlement/agreement dated 18.04.2023, as well as statement of learned counsel for the respondents, the appellant is not interested in pursuing the instant appeal and may be permitted to withdraw the same.

[4] At this stage, learned counsel for the appellant states that in view of the amicable settlement of the dispute, the Court fee paid by the appellant be ordered to be refunded in view of the decision of Hon'ble the Supreme Court in 'High Court of Judicature of Madras Rep. by its Registrar General versus M.C. Subramaniam and others, Law Finder Doc Id # 1809831. Relevant extract of the same is reproduced as under:-

“21. Thus, in our view, the High Court was correct in holding that Section 89 of the CPC and Section 69A of the 1955 Act be interpreted liberally. In view of this broad purposive construction, we affirm the High Court's conclusion, and hold that Section 89 of CPC shall cover, and the benefit of Section 69A of the 1955 Act shall also extend to, all methods of out of court dispute settlement between parties that the Court subsequently finds to have been legally arrived at. This would, thus, cover the present controversy, wherein a private settlement was arrived at, and a memo to withdraw the appeal was filed before the High Court. In such a case as well, the appellant, i.e., Respondent No. 1 herein would be entitled to refund of court fee.”

RSA-2845-2015(O&M)

-3-

[5] In view of the position noted above, as well as statement of learned counsel for the parties, settlement/agreement dated 18.04.2023 is made part of this order, parties shall adhere to the terms and conditions of the settlement/agreement dated 18.04.2023 and appeal is permitted to be withdrawn. Court fee paid by the appellant is ordered to be refunded.

(B.S. Walia)  
Judge

26.04.2023  
'Rajneesh'

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