

109+281 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

**CM-1566-C-2023 &
CM-1567-C-2023 in/and
RSA No. 26 of 2023 (O&M)
Date of Decision: 15.02.2023**

Gurpreet Singh

.....Appellant

Versus

Jaspreet Singh and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Aditya Dassuar, Advocate,
 for the applicant-appellant.

Mr. Iranpreet Singh, Advocate for
Mr. Om Pal Sharma, Advocate,
for respondent No.1.

MAHABIR SINGH SINDHU. J.

CM-1566-C-2023

Application for placing on record agreement dated 30.01.2023
as Annexure A-1.

For the reasons stated in the application, the same is allowed
subject to all just exceptions. Annexure A-1 is taken on record. Registry to do
the needful.

CM-1567-C-2023

Application under Section 151 read with Order 23 Rule 3 of
Code of Civil Procedure for permission to withdraw the present appeal.

Main case

Present appeal has been preferred against the impugned
judgment & decree dated 03.08.2022 passed by Additional District Judge,
Kapurthala, whereby, suit of respondent No.1/plaintiff for permanent
injunction was decreed and the appellant/defendant No.1 was restrained from

raising any construction over the suit property, changing its nature or creating any charge over the same.

Upon notice of motion, respondent No.1/plaintiff put in appearance through Sh. Om Pal Sharma, Advocate and apprised the Court that matter has been amicably settled between the parties.

This Court, on February 14th, 2023, passed the following order:-

“Vakalatnama filed on behalf of respondent No. 1-plaintiff is taken on record.

Two applications have been moved on behalf of the applicant appellant i.e. (i) CM No. 1566-C of 2023 for placing on record the agreement dated 30.01.2023 as Annexure A-1; and (ii) CM No. 1567-C of 2023 for withdrawal of main appeal in view of the terms and conditions of above agreement executed between the parties.

Notice of both the above applications to non-applicant/contesting respondent No. 1.

Learned counsel for non-applicant/respondent No. 1 accepts notice of both the applications.

Jointly stated that both sides are inclined to resolve the matter amicably in view of the aforesaid agreement (A-1).

If that be so, let parties to appear today itself before the Mediator, Mediation and Conciliation Centre of this Court.

Report of Mediator be submitted tomorrow, i.e. 15.02.2023.”

In pursuance of the aforesaid order, parties appeared before the Mediator and report received is extracted as under:-

“Parties have mutually settled their dispute by placing on record the agreement dated 30.01.2023. They have further agreed that they will abide by terms and conditions of the agreement entered into between them. They have signed the agreement without any undue influence coercion or pressure from any quarter.

In view of the above, the case file is being sent back to the Hon’ble Court with the above report.”

Perusal of the aforesaid report clearly reveals that both sides have mutually settled the dispute in terms of agreement dated 30.01.2023.

In view of the above, present appeal stands disposed off, accordingly.

Needless to say that both sides shall be bound by the agreement dated 30.01.2023.

Pending civil misc. application(s), if any, shall also stand disposed off.

15.02.2023.

(MAHABIR SINGH SINDHU)
JUDGE

SN

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No