

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

RSA No. 4248 of 2015 (O&M)

DATE OF DECISION :- February 03, 2023

Lt. Col. Gurinderjit Singh Grewal (Retired)

...Appellant

Versus

Smt. Inderjot Sood and another

...Respondents

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Lt. Col. Gurinderjit Singh Grewal (Retired)-appellant in person
with Mr. Vishal Gupta, Advocate for the appellants.

Smt. Inderjot Sood-respondent No. 1 with
Mr. M.L. Sarin, Sr. Advocate
with Ms. Hemani Sarin, Advocate for the respondents.

CM-941-C-2023

Lt. Col. Gurinderjit Singh Grewal (Retired) and Smt. Inderjot
Sood-respondent No. 1 are present in the Court.

This is an application under Order 22 Rule 4 read with Section
151 CPC for bringing on record legal representatives of deceased respondent
No. 2 Smt. Amrita Grewal alias Anita Grewal alias Amrit Kaur Grewal, who is
said to have expired on 14.12.2022 leaving behind the follow legal heirs :-

- i) Lt. Col. Gurinderjit Singh Grewal (Retired) son of Late Lt.
Col. Albail Singh Grewal, Resident of Flat No. 2, Rahul
Residency, Salunke Vihar Road, Kondawa, Pune,
Maharashtra.
- ii) Smt. Inderjot Sood wife of Dr. Bhushan Sood and
daughter of Late Lt. Col. Albail Singh Grewal, resident
of House No. 76, Sector 6, Panchkula.

This application is accompanied by an affidavit of Lt. Col.

Gurinderjit Singh Grewal (Retired), who is appellant in this case. The application is not opposed by learned Senior Counsel for the the respondents.

The application is allowed. The amended memo of parties filed be taken on record.

Briefly stated facts of the case are that plaintiff Lt. Col. Gurinderjit Singh Grewal (Retired) had brought a suit against his sister Smt. Inderjit Sood and mother Smt. Anita Grewal (since dead) seeking a declaration that he is owner in possession of house constructed at plot No. 76 (measuring 1000 Sq. yards) Sector 6, Panchkula and the judgment and decree dated 26.9.1989 passed in the civil suit No. 481 of 18.9.1989 titled as “Smt. Inderjit Sood Vs. Amrita Grewal and another” by the Court of Sh. R.C. Bansal, the then learned Senior Sub Judge, Ambala are illegal, null and void being result of fraud played by the present defendant no. 1 upon the plaintiff by not impleading him as party to the aforesaid suit. The plaintiff also sought for a relief of permanent injunction restraining the defendants from alienating the aforesaid house and or interfering in the possession of the plaintiff over the same on the basis of the impugned decree.

On notice, both the defendants appeared and offered a contest. Vide judgment dated 11.3.2014 passed by the trial Court of Civil Judge, Sr. Division, Panchkula the suit of the plaintiff was dismissed with cost.

Feeling aggrieved, such plaintiff had preferred an appeal before District Judge, Panchkula which was assigned to Additional District Judge, Panchkula, who vide judgment dated 7.5.2015 had affirmed judgment and decree passed by the trial Court and as a result dismissed the appeal.

Still feeling dissatisfied the plaintiff had filed an appeal before this Court, notice of which was given to the defendants respondents, who has appeared through counsel.

CM-942-C-2023

During pendency of the appeal, the parties have entered into a compromise-cum-settlement. An application under Order 23 Rule 3 CPC for disposing of the appeal in terms of compromise Annexure A1 has been filed.

Affidavits of Lt. Col. Gurinderjit Singh Grewal (Retired) and Smt. Inderjot Sood have been attached vide which they have conceded the facum of their having been entered into compromise-cum-settlement deed dated 29.1.2023. Appellant Lt. Col. Gurinderjit Singh Grewal (Retired) has been identified by counsel Mr. Vishal Gupta, Advocate and respondent No. 1 Inderjot Sood has been identified by Ms. Hemani Sarin, Advocate. Both of them admit compromise-cum-settlement (Annexure A1) praying that this appeal be decided in terms of the said compromise-cum-settlement (Annexure A1).

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Under the circumstances, the present Regular Second Appeal is disposed of in terms of written compromise-cum-settlement Annexure A1 which be read as part of the decree sheet. The parties shall remain bound by such compromise-cum-settlement Annexure A-1 duly signed by the undersigned.

(H.S. MADAAN)
JUDGE

February 03, 2023
p.singh

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