

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

**CM-2142 & 2144-C-2023 in/and
RSA-195-2017 (O&M)**

Date of Decision: 01.03.2023

Kulbir Singh

.....Appellant

Versus

Prem Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. B.S. Rana, Sr. Advocate with
Mr. P.S. Poonia, Advocate and
Mr. Maninder Jit Singh, Advocate
for applicant/appellant.

Mr. R.K. Doon, Advocate
for non-applicant-respondent.

ARUN MONGA, J. (ORAL)

CM-2142-C-2023

For the reasons stated in application, same is allowed subject to all just exceptions. Settlement Deed is taken on record as Annexure A-1.

CM-2144-C-2023 in/and RSA-195-2017 (O&M)

Having suffered concurrent adverse findings by the two Courts below, the plaintiff is in second appeal before this Court assailing learned trial Court judgment and decree dated 31.07.2014, as upheld by learned First Appellate Court vide its judgment and decree dated 20.10.2016, dismissing suit for possession by way of specific performance and enforcement of agreement dated 19.06.2008 with consequential relief of permanent injunction.

2. This is an application for disposal of appeal in terms of Settlement Deed dated 24.02.2023 (Annexure A-1) and for refund of Court fee.

3. For the reasons stated in application, same is allowed subject to all just exceptions. Appeal is disposed of in terms of Settlement Deed dated 24.02.2023 (Annexure A-1) and impugned judgments and decrees stand modified in terms of the said Settlement Deed (Annexure A-1). Let fresh decree sheet be prepared accordingly and the parties shall remain bound in terms thereof.

4. Learned senior counsel further relies on the Apex Court judgment rendered in Special Leave Petition (Civil) Nos.3063-3064 of 2021 titled **High Court of Judicature at Madras Rep. by its Registrar General versus M.C. Subramaniam and others**, decided on 17.02.2021 and judgments rendered by this Court in CR-81-2014 titled **Pradeep Sonawat versus Satish Prakash @ Satish Chandra** and RSA-1425-2018 titled **Pritam Singh versus Ashok Kumar** to contend that in case parties settle their dispute irrespective of the fact whether it was before Lok Adalat or otherwise, they are entitled for refund of Court fees as per applicable Rules.

5. Resultantly, the Registry to take steps to refund the admissible Court fees in accordance with law.

6. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

March 01, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No