

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CM-12714-C-2023 in
RSA-1556-2018 (O&M).
Date of Decision: 01.12.2023.

Tek Chand and others

....Appellants.

Versus

Dhoop Dass Chela of Kishan Dass and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Kanwaljit Singh, Senior Advocate, with
Mr. Vaibhav Katoch, Advocate for applicants/appellants.

Mr. Ashish Aggarwal, Senior Advocate, with
Mr. Karan Singla, Advocate for respondents.

Lalit Batra, J.(Oral)

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This application under Section 151 CPC has been filed at the instance of applicants/appellants for placing on record Compromise dated 04.10.2023 notarized on 05.10.2023 (Annexure A-1), entered into between the parties, with further prayer to dispose of the main appeal in terms of the said compromise.

In view of grounds mentioned in the application and considering the submissions made by learned counsel for the parties, Compromise dated 04.10.2023 notarized on 05.10.2023 (Annexure A-1), is taken on record, subject to all just exceptions and the main appeal is taken on Board today itself for appropriate orders.

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Main Appeal

Initially, suit for possession filed by respondent/plaintiff-Dhoop Dass Chela of Kishan Dass seeking possession with consequential relief of permanent injunction was dismissed by learned Civil Judge (Junior Division), Hisar, vide judgment and decree dated 30.03.2017. Respondent/plaintiff-Dhoop Dass Chela of Kishan Dass filed an appeal before learned First Appellate Court, against judgment and decree dated 30.03.2017 passed by learned Civil Judge (Junior Division), Hisar, which was allowed by learned Additional District Judge, Hisar, vide judgment and decree dated 06.12.2017 and resultantly the suit filed by respondent/plaintiff-Dhoop Dass Chela of Kishan Dass, was decreed.

2. Vide detailed judgment dated 26.11.2021, co-ordinate Bench of this Court had dismissed the instant appeal. However, vide order dated 06.09.2022, co-ordinate Bench of this Court, allowed the review application moved by applicants/appellants and the appeal was ordered to be listed for rehearing.

3. Learned counsel for the parties submit that during the pendency of instant appeal, parties have entered into compromise, which has been reduced into writing and the said compromise has been placed on record as Annexure A-1. They further submit that in terms of averments made in the settlement, respondent/plaintiff wants to withdraw the Civil Suit No.81-CS of 28.03.2017 (CIS No.CS/69135/2013) titled “Dhoop Dass Chela of Kishan Dass vs. Tek Chand and others”. They further submit that in view of the settlement arrived at between the parties, the instant appeal be allowed and

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judgment and decree dated 06.12.2017 passed by learned Additional District Judge, Hisar, be set aside and Civil Suit No.81-CS of 28.03.2017 (CIS No.CS/69135/2013) titled “Dhoop Dass Chela of Kishan Dass vs. Tek Chand and others” filed by respondent/plaintiff be dismissed as withdrawn.

4. In view of above, the instant appeal is allowed. Judgment and decree dated 06.12.2017 passed by learned Additional District Judge, Hisar, is set aside and Civil Suit No.81-CS of 28.03.2017 (CIS No.CS/69135/2013) titled “Dhoop Dass Chela of Kishan Dass vs. Tek Chand and others”, filed by respondent/plaintiff is dismissed as withdrawn. Compromise Deed dated 04.10.2023 notarized on 05.10.2023 (Annexure A-1) shall form part and parcel of this order and decree.

(LALIT BATRA)
JUDGE

01.12.2023
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No