

RSA-3884-2017

2023:PHHC:053280

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

**CM-3656-C-2023 in/and  
RSA-3884-2017(O&M)**

Date of decision : 17.04.2023

Mulakh Raj Kapoor

...Appellant(s)

Versus

Shail Shukla and others

...Respondent(s)

**CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present: Ms. Khyati Avnish, Advocate,  
for the applicant-appellant.

Mr. Krishan Sharma, Advocate,  
for respondent Nos.1 to 3.

**MAHABIR SINGH SINDHU, J.**

**CM-3656-C-2023**

Application for placing on record the settlement dated  
06.04.2023 and for disposal of the present appeal in terms thereof.

Notice of the application to the non-applicants.

Mr. Krishan Sharma, Advocate, accepts notice on behalf of the  
non-applicant/respondents and raises no objection against the prayer made.

For the reasons stated in the application as well as stand taken  
by learned counsel for the respondents, same is allowed.

As a result thereof, settlement dated 06.04.2023, along with  
respective affidavits of even date, sworn in by the appellant as well as  
respondent Nos.1 to 3 are taken on record and main appeal is taken up on  
Board today itself.

**Main case**

Present appeal has been preferred against the impugned judgment and decree dated 21.04.2017 passed by learned Additional District Judge, Faridabad whereby, appeal of respondents was allowed and the judgment & decree of learned Additional Civil Judge (Senior Division), Faridabad dated 05.12.2015, partly decreeing the suit of plaintiff/appellant for possession regarding property in dispute, was set aside.

Appellant as well as respondent Nos.1 & 2, who are present in Court, have been duly identified by their respective counsel(s) and factum of settlement is admitted by all of them. However, it is submitted by both sides that respondent No.3-Anju Shukla could not come present on account of ill health, but her affidavit is already taken on record.

Learned counsel for the parties jointly stated that matter has been amicably resolved vide settlement dated 06.04.2023, which is taken on record vide order of even date passed in CM-3656-C-2023.

In view of above and for the reasons stated in the application, duly supported by separate affidavits of the appellant as well as all respondents, present appeal is disposed off accordingly.

It is made clear that both sides shall be bound by the terms & conditions recorded in the settlement, noticed hereinabove.

Needless to say that in case there is any breach by either side, legal consequences shall follow.

**17.04.2023**

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**(MAHABIR SINGH SINDHU)**

**JUDGE**

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