

CM-6382-C-2023 in/and
RSA-6103-2017

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(112)

CM-6382-C-2023 in/and
RSA No.6103 of 2017
Date of Decision:18.07.2023.

Naranjan Singh

.....Applicant/Appellant

Versus

Kanwaljeet Kaur

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Suresh Kumar Aneja, Advocate &
Mr. Yogesh Kumar Aneja, Advocate
for the applicant/appellant.

Mr. A.P. Choudhary, Advocate for
Mr. Rajender Singh Bhatta, Advocates
for the respondent.

VIKRAM AGGARWAL, J. (ORAL)

1. Prayer in the present application filed under Order 23 Rule 3 C.P.C., is to dispose of the present Regular Second Appeal on the basis of a compromise arrived at between the parties. It has been averred in the application that the Regular Second Appeal had been filed challenging judgment and decree dated 19.07.2017 passed by the Additional District Judge, Fazilka vide which the judgment and decree dated 25.05.2015 passed by the Additional Civil Judge (Sr. Division), Jalalabad had been set aside. It has been averred that an amicable settlement has been arrived at between the parties and both sides have executed affidavits in this regard. The affidavits dated 19.05.2023 executed by Niranjan Singh and Kanwaljeet Kaur have been placed on record as Annexures A-1 and A-2, respectively.

2. Learned counsel for the parties submit that the parties have duly entered into a compromise.

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3. Learned counsel for the appellant submits that he may be permitted to withdraw the present appeal and that parties to the appeal would be bound by the terms and conditions of the affidavit dated 19.05.2023 (Annexures A-1 and A-2) executed by them.

4. I have considered the submissions made by learned counsel for the parties.

5. On 20.12.2017, the following order was passed:-

“Learned counsel for the appellant submits that the lower Appellate Court has gone wrong in law in holding the plaintiff/respondent herein to be the adopted daughter of the appellant/defendant, only on the ground of a finding recorded in the earlier civil suit. It is further submitted by learned counsel that, the finding regarding the respondent being adopted daughter of the appellant in the earlier suit, has already been reversed in appeal. Therefore, there is no basis for holding the respondent to be the adopted daughter of the appellant.

Notice of motion for 12.02.2018.

Dasti as well.

In the mean-time, the operation of the impugned judgment and decree shall remain stayed till next date only.”

6. As per the affidavits dated 19.05.2023 executed by Niranjana Singh and Kanwaljeet Kaur separately which are on record as Annexures A-1 and A-2, a compromise has been arrived at between the parties, as per which Niranjana Singh has paid a sum of ₹10,00,000/- to Kanwaljeet Kaur. There is a recital about the present litigation also in Para-2 of the affidavit executed by Niranjana Singh.

Keeping in view the submissions made by learned counsel for the parties and the affidavits (Annexures A-1 and A-2) executed by the parties, the request made by learned counsel for the appellant is allowed. The present appeal is dismissed as

July 18th, 2023

(VIKRAM AGGARWAL)
JUDGE

REKHA SHARMA
2023.07.19 15:46
I attest to the accuracy and
integrity of this document