

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

102 CM-2290-C-2024 in/and
RSA-1300-2002 (O&M).
Date of Decision: 07.05.2024.

Anand Kumar and othersAppellants.

Versus

Kailash Chand (since deceased) through LR's and others
.....Respondents.

CORAM: HON'BLE MR. JUSTICE LALIT BATRA

Present: Mr. Anuj Balian, Advocate for appellants.
Mr. Rajesh Gupta, Advocate for respondents No.1 and 2.

Lalit Batra, J.(Oral)

CM-2290-C-2024

This application under Order XXIII Rule 3 read with Section 151 CPC has been moved by applicants/appellants for passing compromise decree in favour of parties as per settlement arrived at between them, vide compromise dated 31.08.2023.

Learned counsel for respondents No.1 and 2 stated that he has no objection in case the application is allowed and the main appeal is disposed of accordingly.

**CM-2290-C-2024 in/and
RSA-1300-2002 (O&M)**

-2-

In view of the grounds mentioned in the application and no objection made by learned counsel for respondents No.1 and 2, the main appeal is taken on Board today itself for disposal.

Application stands disposed of.

Main Case

Initially, appellants/plaintiffs filed a suit for perpetual injunction restraining respondents/defendants No.1 and 2 from interfering in peaceful possession of plaintiffs and defendant No.3 over the suit property and for mandatory injunction directing defendants No.1 and 2 to demolish the wall or any other construction of any kind whatsoever unauthorizedly raised by them over the plot in dispute. The said suit was dismissed by learned Civil Judge (Senior Division), Panchkula, vide judgment and decree dated 08.02.2000. Plaintiffs preferred an appeal before learned First Appellate Court, against the said judgment and decree, which was also dismissed by learned Additional District Judge, Panchkula, vide judgment and decree dated 05.11.2001.

2. Learned counsel for the parties submit that during the pendency of instant appeal, parties have entered into compromise, vide compromise-cum-settlement deed dated 31.08.2023 and the same has been placed on record as Annexure A-1. They further submit that in terms of compromise-cum-settlement deed dated 31.08.2023, the instant appeal may be allowed.

**CM-2290-C-2024 in/and
RSA-1300-2002 (O&M)**

-3-

3. In view of above, the instant appeal is disposed of in terms of compromise-cum-settlement deed dated 31.08.2023 (Annexure A-1), which shall form part and parcel of this order.
4. Pending application(s), if any, also stands disposed of.

**(LALIT BATRA)
JUDGE**

07.05.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No