

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-2732-2024(O&M)

Date of decision : 21.03.2024

Arun Kumar

... Petitioner

Versus

Additional District Commissioner-cum-Appellate Authority and others

... Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Savreet Singh Brar, Advocate for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a civil writ petition filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of certiorari quashing impugned order dated 02.12.2020 in case no.22/2020 (Annexure P-2) passed by respondent no.2 whereby transfer deed no.10059 dated 27.11.2017 executed by respondent no.3 in favour of the petitioner has been cancelled and order dated 17.05.2023 in Appeal case no.18/2022 (Annexure P-3) passed by respondent no.1 whereby appeal filed by the petitioner has been dismissed.

2. On 22.02.2024, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner has full love and affection and respect for his mother-respondent No.3 and in order to show his bona fide, he is ready to pay an amount of Rs.20,000/- per month as maintenance to respondent No.3 and also Rs.20,000/- as litigation expenses to respondent No.3. It is submitted that there was a family settlement between the parties, which fact is prima facie clear from the documents dated 24.12.2016 (Annexure P-9) and 10.12.2017 (Annexure P-4).

Learned counsel for the petitioner has further submitted that the petitioner has no objection in case respondent No.3 comes and resides with the petitioner.

Notice of motion for 21.03.2024.

Notice regarding stay.

To be taken up at 12:00 pm.

The petitioner undertakes to get the demand draft amounting to Rs.40,000/- (Rs.20,000/- as maintenance for the month of February, 2024 and Rs.20,000/- being litigation expenses) prepared in the name of respondent No.3 and to produce the same before this Court, on the next date of hearing.

*Any transfer made by respondent No.3 would be subject to the decision of the present writ petition.
22.02.2024”*

3. Learned counsel for the petitioner has moved an application i.e, CM-5053-CWP-2024 for withdrawal of the main writ petition in view of the compromise dated 16.03.3024 (Annexure P-14) with liberty to revive the same in case the terms of family settlement / compromise are not complied with.
4. Keeping in view the abovesaid facts and circumstances and also the averments made in the application, which is supported by an affidavit of the petitioner, the application i.e, CM-5053-CWP-2024 for withdrawal of the main writ petition is allowed and the present writ petition is dismissed as withdrawn with liberty to the petitioner to revive the writ petition in case the terms of family settlement / compromise are not complied with or are disputed by the parties and in case the petitioner seeks to revive the present writ petition, the petitioner would comply with the order dated 22.02.2024 passed by this Court.

(VIKAS BAHL)

JUDGE

March 21, 2024

Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No