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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA-1121-1993(O&M)
Date of decision : 23.05.2024

Jas Kaur Singh

... Appellant

Versus

Pritam Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Gursher Singh Dhillon, Advocate
for the appellant.

VIKAS BAHL, J.(ORAL)

CM-5735-C-2024

1. This is an application under Order 22 Rule 4 CPC for impleading the legal heirs of the respondent Pritam Singh in the main case.
2. For the reasons stated in the application, the application is allowed, subject to just exceptions and the LRs of Pritam Singh-respondent, as stated in paragraph 2 of the application, are ordered to be impleaded as legal representatives of Pritam Singh-respondent solely for the purpose of pursuing the present appeal and the same would not be construed as an adjudication on the entitlement of the estate of Pritam Singh.

CM-5736-C-2024 & RSA-1121-1993

1. This is an application under Order 23 Rule 3 CPC read with Section 151 CPC for disposing of the appeal in terms of the compromise.



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2. In the present case, the plaintiff had filed a suit for possession by way of pre-emption with respect to the land measuring 78 kanals 7 marlas and the said suit was dismissed by the trial Court. The plaintiff preferred an appeal and the District Judge, Sirsa, partly allowed the said appeal with respect to land measuring 58 kanals 7 marlas and with respect to the balance land, the suit was dismissed.

3. During the pendency of the present appeal, an application has been filed under Order 23 Rule 3 CPC read with Section 151 CPC for placing on record the compromise and for disposal of the appeal in terms of the said compromise. The compromise is reproduced hereinbelow:-

"1. That the predecessor of the Second Party Pritam Singh had filed a suit for possession by way of pre-emption in the Court at Dabwali and the said suit was dismissed by the Court of Shri R.S. Bagri, the then learned Sub Judge 1st Class, Dabwali vide judgment and decree dated 01.06.1991.

2. That feeling aggrieved by the said judgment and decree dated 01.06.1991, Pritam Singh had filed an appeal before the appellate Court at Sirsa and the said appeal filed by the Second party Pritam Singh was partly accepted by the court of the then Learned District Judge, Sirsa, vide which, the judgment and decree of the lower court was modified thereby suit of the plaintiff i.e. Second Party was dismissed regarding remaining 20 Kanals comprising in Khewat No.119.

3. That thereafter, the first party Jaskaur Singh preferred Regular Second Appeal before this Hon'ble Court, which is pending consideration.

4. That the Second party Pritam Singh has since died on 15.08.2022 during the pendency of the above noted RSA. However, he during his life time had executed and got registered a Will bearing No.102 dated 10.06.2010 in favour of his two sons, namely, Gurmail Singh and Raghuvir Singh and wife namely Naseeb Kaur. However, wife of Pritam Singh predeceased him and now only the sons named above have succeeded to the property left behind by late Pritam Singh, by operation of the Will.



5. That a long time has elapsed in fighting the legal battle and now with the intervention of will meaning relative and respectables of the village, the parties have entered into a compromise. This compromise will bring a lasting peace in the family and would also remove the bad feeling between them, so the compromise is good for all of us and the same is voluntary and is also without any coercion or duress from any quarter. The same is also free expression of the partes to the appeal.

6. That in view of the said compromise, the second party has given had measuring 42 Kanals 03 Marlas detailed as: 849/4573 shares of land comprised in Khewat No.205, area measuring 163 Kanals 12 Marlas, 849/4573 share out of the land comprised in Khewat No. 206, area measuring 7 Kanals 12 Marlas; 849/4573 out of land comprised in Khewat No. 207, area measuring 56 Kanals 06 marlas, vide farad jamabandi for the year 2021-22 situated within the revenue estate of village Sakta Khera, Tehsil Dabwali, District Sirsa to the first party and the second party has no objection in case the aforesaid land is mutated in the name of the first party.

It is therefore, prayed that keeping in view of the terms of the compromise having arrived at between the parties, the RSA filed by the appellate/First Party may kindly be decided as per the compromise.”

A perusal of the compromise would show that the same has been entered into without any undue influence and pressure.

4. Keeping in view the above said facts and circumstances, the present appeal is disposed of in terms of the said compromise. The parties shall be bound by the terms and conditions of the said compromise. The compromise would be read as part of the decree.

(VIKAS BAHL)
JUDGE

May 23, 2024
Davinder Kumar

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