

113.

2024:PHHC:045879

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

RSA No.986 of 2020 (O&M)

Date of decision: 04.04.2024

Amritpal Singh

.... Appellant

Versus

Bakhtawar Singh (since deceased, through his LR) and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Jaideep Verma, Advocate, for the appellant.

GURBIR SINGH, J. (Oral)

CM-3300-C-2024

Prayer in this application filed under Order XXXIII Rule 3 read with Section 151 of CPC is to pass decree in favour of applicant-appellant-defendants on the basis of compromise/settlement dated 21.05.2022 (Annexure P-2) effected between the parties.

Vide judgment and decree dated 09.01.2018, the trial Court decreed the suit of the plaintiff-respondent No.1 for recovery of Rs.12,36,000/- from appellant and respondents No.2 and 3, defendants in the suit, with interest @ 6% per annum from the date of filing of suit till realization of the decretal amount. Appeal filed against said judgment and decree was also dismissed vide judgment and decree dated 18.11.2019. Aggrieved, defendant No.1 has approached this Court by way of present appeal.

It is submitted that during pendency of present appeal, the matter has been compromised between the parties on 21.05.2022. Compromise Deed is annexed herewith as Annexure A-2. As per compromise, the appellant-defendants agreed to pay Rs.9 lakhs to the plaintiff-respondent No.1 as full and final settlement of the decretal amount. It is further submitted that entire settlement amount has been paid to the respondent as per the schedule agreed between the parties. Respondent No.1-plaintiff has also withdrawn the execution, vide order dated 29.09.2022 (Annexure A-3) being fully satisfied.

In view of above, the application is allowed and documents Annexures A-2 and A-3 are taken on record, subject to all just exceptions.

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Since the matter has been compromised between the parties, learned counsel for the appellant states that the present appeal may be disposed of accordingly by amending the decree as per compromise.

The present appeal is disposed of accordingly and the decree is ordered to amended as per the compromise Annexure P-2 which shall form part of the record.

Pending application, if any, shall also stand disposed of.

(GURBIR SINGH)
JUDGE

April 04, 2024
sanjeev

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