

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RSA-3257-1996 (O&M)

Date of Decision : 08.02.2024

THE MANAGING COMMITTEE KHALSA HIGH SCHOOL

.... Appellant

VERSUS

HARBANS SINGH AND OTHERS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mayank Mathur, Advocate for the applicant-appellant.

Mr. Arjun Kundra, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

CM-1709-C-2021

Application is allowed as prayed for, subject to all just exceptions.

CM-1710-C-2021

This is an application under Section 5 of the Limitation Act for condonation of delay of 66 days in filing the review/recall application being RA-RS-14-2021.

Learned counsel for respondent No.1 states that he has no objection if the present application is allowed.

The appeal qua respondent No.2 was dismissed vide order dated 23.07.1998. Respondent No.3 is not a necessary party at this stage.

In view of the above, the present application is allowed and the delay of 66 days in filing the review application is condoned.

CM-1711-C-2021

This is an application for impleading Mr. Gurbhai Singh Mann in place of Mr. Baldev Singh Mann who was substituted in place of Mr. Karnail Singh (Vice-President of the appellant) vide order dated 29.01.1999.

Learned counsel for the applicant would contend that initially the appeal was preferred by the Managing Committee Khalsa High School, Maur Mandi through Mr. Karnail Singh (Vice-President) as an authorized attorney of the Committee. On his death an application was filed for impleading Mr. Baldev Singh Mann which was allowed vide order dated 29.01.1999. However, at the time of passing of the order dated 21.01.2021 it could not be brought to the notice of the Court that the authorized person now was Mr. Gurbhai Singh Mann and inadvertently an application for impleading him in place of Mr. Baldev Singh Mann could not be filed.

Learned counsel for respondent No.1 states that he has no objection if the present application is allowed.

The appeal qua respondent No.2 was dismissed vide order dated 23.07.1998. Respondent No.3 is not a necessary party at this stage.

For the reasons stated above, the present application is allowed. Mr. Gurbhai Singh Mann is impleaded as party in place of Mr. Baldev Singh Mann. Amended memo of parties is taken on the record. Registry is directed to tag the same at an appropriate place.

RA-RS-14-2021

This is an application for recalling the order dated 21.01.2021 passed by this Court and for passing of a fresh order on the basis of compromise and affidavit (Annexures A-1/2 and A-1/5).

For the reason stated in the application, the same is allowed and the order dated 21.01.2021 stands recalled. The main appeal is restored to its original number.

With the consent of both the counsel, the main appeal is taken on board today itself.

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Learned counsel for the appellant states that the Managing Committee Khalsa High School, Maur Mandi through Gurbhai Singh Mann, on the basis of the resolution (Annexure A-1/3) has settled the dispute by way of a compromise (Annexure A-1/2) and affidavit of respondent No.1 (Annexure A-1/5) qua the same has been placed on the record.

Learned counsel for respondent No.1 does not dispute the factum of the said compromise.

Learned counsel for the parties *ad idem* that the present appeal may be disposed off in terms of the compromise dated 04.12.2020.

In view of the above, the present appeal is disposed off in terms of the compromise dated 04.12.2020 (Annexure A-1/2) which is now marked as Ex. C-1. The compromise be made part of the decree sheet. Pending applications, if any, also stand disposed off.

08.02.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO*