



RSA-1877-2022

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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RSA-1877-2022 (O & M)

Date of decision: 03.09.2024

Atma Ram

...Appellant

Versus

Ranvir Singh (since deceased) through his LR's

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Ms. Rashika Bansal, Advocate for
Mr. Dheeraj Mahajan, Advocate, for the appellant.

Mr. Deepak K. Sharma, Advocate, for the respondent.

RAJBIR SEHRAWAT, J. (Oral)**CM-8480-C-2024**

1. This is an application for impleading the legal representatives of respondent-Ranbir Singh (since deceased).
2. For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. The persons mentioned in para 1 of the application are ordered to be impleaded as legal heirs of the respondent, for the limited purpose of contesting the present appeal only. Amended memo of parties is taken on record.

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1. This is the regular second appeal filed by the appellant-defendant, challenging the concurrent judgments and decrees passed by the Courts below; whereby the suit filed by the respondent-plaintiff was decreed.
2. Counsel for the appellant-defendant has submitted that the



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matter has since been settled between the parties in pursuance of the compromise deed 02.02.2024. Therefore, both the judgments and decrees passed by the Courts below, deserve to be set aside, in terms of the compromise arrived at between the parties. The said compromise deed, annexed with CM-8571-C-2024, is taken on record as Annexure A-1.

3. Counsel for the respondent has not disputed the factum of compromise effected between the parties, and he has no objection, if the judgments and decrees passed by the courts below are set aside; by allowing the present appeal in pursuance of the said compromise deed. However, the counsel has submitted that after passing of the judgments and decrees by the courts below, the respondent-vendee had deposited an amount of Rs.5,12,385/- in the treasury, towards the balance sale consideration, therefore, if the judgments and decrees passed by the courts below are to be set aside that the amount deposited by the respondent-vendee be ordered to be returned to him.

4. In view of the fact that the parties have settled the dispute and the respondent has agreed to release the appellant from the responsibilities under the agreement to sell, it would not be unjustified if the present appeal is allowed and the judgments and decrees passed by the courts below, are set aside in terms of the compromise arrived at between the parties.

5. Resultantly, the judgment and decree dated 18.10.2018 passed by the Addl. Civil Judge (Sr. Divn.), Hisar, and the judgment and decree dated 16.02.2021 passed by the lower Appellate Court, are set aside. The said compromise (Annexure A-1) be made part of the decree.



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6. Since the parties have settled the dispute *inter se*, and the vendee is not purchasing the property pursuant to the judgments and decrees of the courts below, therefore, it is further ordered that an amount of Rs.5,12,385/-, which was deposited by the respondent-vendee with the treasury pursuant to the judgments and decrees passed by the courts below, be refunded to him (respondent-vendee).
7. Allowed in the afore-mentioned terms.
8. Pending application, if any, shall stand disposed of.

03.09.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

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