

2024:PHHC:172880



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

113

RSA-1370-2023 (O&M)
Date of decision: 12.07.2024

Sukhwinder Singh Jhalli

...Appellant

Versus

Ranjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rahul Rampal, Advocate for the appellant.

Mr. K.D. Sharma, Advocate for respondent No.1.

Mr. Kushagra Mahajan, Advocate
for respondent Nos.2 to 5.

VIKAS SURI, J. (Oral)

1. This regular second appeal has been filed by the defendant-appellant aggrieved by the judgment and decree dated 27.02.2015 passed by learned Civil Judge (Junior Division) Ludhiana, whereby the suit for declaration to the effect that the plaintiff and defendants are joint owners to the extent 1/6th share each of the suit property forming the estate of late Hardev Singh Jhalli (deceased son of the plaintiff) and husband of defendant No.2 and father of defendant Nos.1, 3 to 5, was decreed, as well as judgment and decree dated 04.05.2022 passed by learned Addl. District Judge, Ludhiana, whereby the appeal preferred thereagainst was dismissed.



2. Along with the present appeal, an application under Order 23 Rule 3 read with Section 151 CPC has been filed for disposing of the appeal on the basis of compromise dated 10.10.2022 (Annexure A-1). On 10.05.2023, the respondents herein, who are the plaintiff and defendant Nos.2 to 5 before the trial Court, had put in appearance through counsel and submitted that the parties are closely related and have amicably settled their *inter se* dispute and have effected a compromise; and had sought time to file the respective power of attorney in the registry. A perusal of the record shows that appended to the power of attorney is the respective authorization letter acknowledging the compromise effected between the parties and proof of identity of the respondent(s), which documents are notarized at Yorkshire, England. The original compromise deed dated 10.10.2022, which is also notarized as above, has been placed on record as Annexure A-1. The terms and conditions thereof read as thus:-

“5. That now in view of above said facts of Will coming to knowledge of parties, all parties namely (1) Sukhvinder Singh Jhalli, (2) Ranjit Kaur Jhalli, (3) Manjit Kaur Jhalli, (4) Jasvinder Kaur Barn. (5) Preet Kamal Kharoud & (6) Surinder Kaur Ghuman, who are all legal heirs of S. Hardev Singh have accepted the Will dated 15.07.1994 in favour of Sukhvinder Singh Jhalli and have no objection if the property ie land measuring 79 Kanal 10 Marla, comprised of Khata No 51/62 Khasra No 22/10/2, 11/1, 20/2, 23/3, 4,6,7,8,13,14,15,16,24//2 and land measuring 37 Kanal 18 Marla comprised of Khata No. 146/162, Khasra No. 23//12, 17,18,19,22,23/1, 26, 24//11, 3/1, 8/2, 9 entered



vide enclosed Jamabandi of year 2007/08 situated at Village Beer Sahnewal, HB No.221, Tehsil & District Ludhiana be transferred in the name of Sukhvinder Singh Jhalli and even parties of present compromise have no objection in case on the basis of present compromise, regular second appeal (RSA) filed by Sukhvinder Singh Jhalli before Hon'ble Punjab & Haryana High Court, Chandigarh is allowed in favour of Sukhvinder Singh Jhalli on the basis of Will dated 15.07.1994 and property forming subject matter of Civil Suit No.517. dated 22.07.2011 is mutated in favour of Sukhvinder Singh Jhalli on the basis of Will dated 15.07.1994.

6. That present compromise is being executed out of free will and without any pressure or coercion.

7. That all the parties undertake to abide by terms & conditions as stated above of compromise and would not back out at any stage.

8. That in case application is filed in regular second appeal (RSA), we have duly authorized lawyers to appear on our behalf.”

3. It is undisputed that the parties in the present case are closely related. Recital in the compromise would show that earlier some differences had cropped up between them, due to some misunderstanding and the Will dated 15.07.1994 executed by late Hardev Singh Jhalli in favour of Sukhwinder Singh Jhalli was not brought to the knowledge of all the family members. It is averred that with the intervention of respectable and friends and moreover, after learning about the Will dated 15.07.1994 having been rightly executed



by the testator and on that basis mutation having been sanctioned by the revenue authorities, the parties have settled all their differences.

4. In view of the above, the present appeal is disposed of in terms of the compromise dated 10.10.2022 (Annexure A-1), which shall form a part of the decree. No orders as to costs.

5. Pending applications, if any, also stand disposed of accordingly.

July 12, 2024
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No