



2024:PHHC: 010322

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA-4635-2019 (O&M)
Date of decision: 25.01.2024

Prakash Kaur

...Appellant

Versus

Surjit Kaur and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Ms. Kiranjeet Kaur, Advocate for the appellant.

VIKAS SURI, J. (Oral)

CM-533-C-2024

This is an application under Section 151 CPC for placing on record order dated 10.01.2023 (Annexure P-7) whereby both the parties have entered into a compromise.

Learned counsel for the applicant-appellant submits that notice of the appeal is yet to be issued and hence, there is no counsel opposite as yet.

For the reasons mentioned in the application, supported by affidavit of Prakash Kaur - appellant, the same is allowed. Annexure P-7 is taken on record, subject to all just exceptions.

CM stands disposed of.

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This Regular Second Appeal has been filed by appellant



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Prakash Kaur aggrieved by the judgment and decree dated 04.07.2014 passed by the trial Court as well as the judgment and decree dated 06.10.2017 passed by the first Appellate Court there against.

Learned counsel for the appellant submits that during the pendency of the present appeal, in execution proceedings the original plaintiff/defendants have effected a compromise and the plaintiff has surrendered her rights under the decree dated 06.10.2017, which has been impugned in the present Regular Second Appeal. In terms of the settlement noticed in the order dated 10.01.2023 passed by the executing Court, the execution petition has been dismissed as withdrawn. The order dated 10.01.2023 reads as thus:-

“File taken up today in pursuance to application moved by applicant Surjeet Kaur through her counsel Sh. M.R. Kamboj, Advocate for recording statement of applicant and for withdrawing the present matter pending before the Court.

Today applicant Surjit Kaur has suffered statement that a compromise has been effected between her and the judgment debtor and it has been stated by her that JD had sold the property in dispute by way of registered sale deed dated 16.08.2017 and 07.02.2018 to Parkash Kaur wife of Gurdial Singh. She further stated that she had obtained in cash Rs. 3,50,000/- from above stated Parkash Kaur which is the earnest money along with the interest. She further stated that she surrendered her rights which originated from decree dated 06.10.2017 passed by Sh. Sandeep S. Jossan, Additional District Judge, Fazilka. Further, it has been stated by her that now she do not want to proceed any further as regards the property in dispute and even her family members shall also remain bound by the statement suffered by her in the Court today. Lastly, she stated that she withdraw the present application.



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Perusal of the application pending before this Court shows that vide application dated 14.02.2018 applicant has sought permission to deposit the remaining sale consideration. However, as per the statement of applicant as discussed in the above paragraph, the present application lacks substance and is ordered to be dismissed as withdrawn. File complete in all respects and after indexing be consigned to Judicial Record Room, Fazilka.”

Learned counsel for the appellant submits that in view of the aforesaid settlement noticed in the order dated 10.01.2023, she seeks withdrawal of the present appeal.

Dismissed as withdrawn.

January 25, 2023
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(VIKAS SURI)
JUDGE

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