

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CWP-19809-2021
Decided on: 03.04.2024

Baldev Singh

. . . Petitioner

Versus

Deputy Commissioner-cum-Appellate Tribunal and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. M. S. Dhami, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Ms. Shweta Bawa, Advocate
for respondent No. 3.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order dated 03.03.2021 (Annexure P-4) and order dated 17.02.2020 (Annexure P-3) passed by respondent Nos. 1 and 2 whereby in a petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 filed by respondent No. 3, the transfer of ownership deed dated 08.05.2008 (Annexure P-2) in favour of the petitioner has been set aside.
2. Learned counsel for the petitioner as well as counsel for respondent No. 3 have jointly submitted that respondent No. 3 had filed a petition under Section 23 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 for declaring the transfer deed dated 08.05.2008 with respect to the land measuring 5 Kanals out of 18 Kanals 11 Marlas bearing Khata No. 73/86 to 88,

Khasra Nos. 83//10/1(3-16), 83//1(7-4), 2 (7-11) as per Jamabandi for the year 2002-2003, situated in the area of village Tounsa, H.B. No. 417, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar as void and ineffective. The Sub-Divisional Magistrate-cum-Presiding Officer, Maintenance Tribunal vide order dated 17.02.2020 allowed the said application and cancelled the transfer deed with respect to the abovesaid land. The appeal filed by the petitioner was dismissed by the Appellate Tribunal vide order dated 03.03.2021. It is submitted that during the pendency of the present case, the compromise has been effected between the parties and a copy of the said compromise signed by the petitioner and respondent No. 3 has been given in the Court which is taken on record as Mark-A. It has been jointly submitted that the present petition be disposed of in terms of the said compromise and the impugned orders be modified in accordance with the said compromise.

3. The terms of the compromise which has been jointly submitted by learned counsel for the petitioner and counsel for respondent No. 3 are reproduced hereinbelow:-

“COMPROMISE

We, Baldev Singh S/o Som Nath, Aadhaar No 4113 3210 1068 resident of village Taunsa, PO Rail Majra, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar, (here-in-referred as "First Party") and Som Nath S/o Sunder Ram resident of village Taunsa, PO Rail Majra, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar, Punjab (here-in- after referred as "Second Party").

Whereas the first party has filed a appeal in Hon'ble Punjab & Haryana High Court, Chandigarh against the above said second party regarding the land in dispute measuring 05 Kanals, situated in the area of village Taunsa, H.B. No 417, Tehsil Balachaur, District Shaheed Bhagat Singh Nagar and all record regarding above said appeal is held with the Hon'ble Punjab & Haryana High Court.

Now the second party has given the land measuring 02 Kanals 10 Marlas out of 05 Kanals to second party with mutual consent and without any pressure and the second party has no objection if the said 2 Kanals 10 Marlas is transferred in the name of appellant Baldev Singh i.e. first party. The parties have no objection of the above titled appeal is disposed of as per this compromise.

Hence this compromise is being written at Balachaur on this 27th day of March 2024, as a proof thereof.”

4. A perusal of the compromise would show that as per the same the land measuring 2 Kanals 10 Marlas out of the disputed land of 5 Kanals has been decided to be given by respondent No. 3 to the petitioner and the remaining land i.e. 2 Kanals 10 Marlas would be with the respondent No. 3.

5. Keeping in view the abovesaid facts and circumstances and also the joint prayer made by the learned counsel for the petitioner and counsel for respondent No. 3 and also the abovesaid compromise, the present Civil Writ Petition is disposed of in terms of the said compromise and the impugned order dated 03.03.2021 (Annexure P-4) and order dated 17.02.2020 (Annexure P-3) are modified in terms of the said compromise. Both the parties would be bound by the said compromise and it would be open to both the parties to get the mutation entered with respect to the land in question in terms of the said compromise.

03.04.2024
Mehak

(VIKAS BAHL)
JUDGE

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