

**IN THE HIGH COURT OF P UNJAB AND HARYANA AT CHANDIGARH****118****CM-11613-C-2024 in/and
RSA-35-2022 (O&M)
Date of Decision : 17.12.2024**

Balwinder Kaur

....Appellant

VERSUS

Gurbhinder Singh

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Arora, Advocate for the appellant.

Mr. Raghav Soni, Advocate for the respondent.

ALKA SARIN, J. (Oral)**CM-11613-C-2024**

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 for preponing the date of hearing in the main case (RSA-35-2022) from 03.07.2025 to an early date on the ground that the matter since stands settled between the parties.

2. Learned counsel appearing on behalf of the respondent states that he has no objection if the present application is allowed and the date of hearing in the main petition is preponed.

3. For the reasons stated in the application, the same is allowed. With the consent of learned counsel for the parties, the main appeal is taken on Board today itself.

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4. Learned counsel for the parties are *ad idem* that the matter since stands compromised between the parties before the Mediation and

Conciliation Centre of this Court and the compromise has been reduced into writing on 15.05.2024, which has been thumb marked by Balwinder Kaur (appellant herein) and Gurbhinder Singh (respondent herein), who have been identified by their respective counsels. As per the compromise, it has been stated that the matter stands settled between the parties subject to payment of Rs.13,50,000/- to the respondent herein and on payment of the said amount the respondent would not object if the present regular second appeal is allowed and the judgments and decrees passed by both the Courts are set aside.

5. Learned counsel for the respondent states that the amount of Rs.13,50,000/- has already been received by the respondent on 28.09.2023.

6. Learned counsel for the parties are *ad-idem* that the present regular second appeal may be disposed off in terms of the compromise dated 15.05.2024, which is taken on record and marked as 'Ex.C1'.

7. In view of the settlement arrived at between the parties and in view of the submission made by learned counsel for the parties, the present regular second appeal is disposed off in terms of the compromise 'Ex.C1', which shall form part of the decree-sheet. Pending applications, if any, also stand disposed off.

8. The appellant has also filed an application being CM-13784-C-2023 for refund of the court fee in view of the compromise between the parties. In view of the judgments passed by this Court in cases of **Surender Kumar Vs. Hans Raj Mandi [2021(2) RCR (Civil) 851]**; **Pritam Singh Vs. Ashok Kumar [2019(1) Law Herald 721]**; and **Pradeep Sonawat Vs.**

Satish Prakash @ Satish Chandra [2015(1) RCR (Civil) 955], the court fee deposited by the appellant for filing of the present appeal is ordered to be refunded to her as per the Rules.

17.12.2024
jk

**(ALKA SARIN)
JUDGE**

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