

**RSA-1550-2010****IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****101****CM-8870-C-2024 and
CM-8927-C-2024 in/and
RSA-1550-2010 (O & M)
Date of decision: 05.09.2024****RAJINDER**

...Appellant

Versus

ISHWAR SINGH AND ORS.

...Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Nikhil Sehrawat, Advocate for
Mr. Ashwani Talwar, Advocate, alongwith
appellant-Rajinder.

Ms. Ramandeep Kaur, Advocate,
alongwith respondents No.1 and 3.

Mr. Rajat Singh, Advocate and
Mr. Keshav Pratap Singh, Advocate,
alongwith respondent No.2-Jagminder Singh.

Mr. Mukul Aggarwal, Advocate,
alongwith applicant (proposed respondent No.9).

RAJBIR SEHRAWAT, J. (Oral)**CM-8927-C-2024**

1. This is an application under Order 1 Rule 10 CPC for
impleading applicant-Katar Singh as respondent No.9 in the present appeal.

2. In view of the grounds mentioned in the application, the same
is allowed and applicant-Katar Singh is impleaded as respondent No.9 in
the present appeal. Amended memo of parties is taken on record.

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1. This is an application under Order 23 Rule 3 read with Section 151 CPC for disposal of the present appeal in terms of the settlement arrived at amongst the parties.
2. With the consent of learned counsel for the parties, the main appeal is taken on Board for hearing.
3. Application stands disposed of.

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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 a decree for possession by way of specific performance of an agreement to sell dated 10.10.1998 in respect of the suit land, was passed in favour of respondents No.1 to 3-plaintiffs.
2. Counsel for the appellant-defendant No.1(iv), on instruction from the appellant, who is present in the Court and has been duly identified by the counsel, has submitted that the matter has since been compromised between the parties in pursuance of the settlement deed dated 13.08.2024. Therefore, both the judgments and decrees passed by the Courts below, deserve to be set aside, in terms of the settlement deed dated 13.08.2024. The said settlement deed dated 13.08.2024 is taken on record as Annexure A-1.
3. Counsel for respondents No.1 and 3 and counsel for respondent No.2, on instructions from their respective parties, who are present in the Court and have been duly identified by their respective counsel, have not disputed the factum of compromise effected between the



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parties, and they have 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 settlement deed dated 13.08.2024.

4. Counsel for respondent No.9, on instructions from respondent No.9, who is present in the Court and has been duly identified by his counsel, has also not disputed the factum of compromise effected between the parties.

5. In view of the above, the judgment and decree dated 21.10.2009 passed by trial Court and the judgment and decree dated 19.01.2010 passed by the lower Appellate Court, are set aside. The said settlement deed dated 13.08.2024 (Annexure A-1) be made part of the decree.

6. Allowed in the afore-mentioned terms.

7. Pending application, if any, shall stand disposed of.

05.09.2024

parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No