



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

(202)

RSA-1166-2013 (O&M)

Date of Decision:-19.11.2024

NARINDER KUMAR AND ORS

... Appellants

Versus

PAWAN KUMAR AND ORS

... Respondent(s)

-.-

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Mr. Rakesh Gupta, Advocate
for the appellants.

Mr. Rajesh Kumar Kashyap, Advocate
for respondents No.1 to 3.

Respondent No.5 is stated to be expired
vide order dated 30.05.2013.

Respondent No.6 & 7 *ex-parte*
vide order dated 30.05.2023.

ALOK JAIN, J. (Oral)

1. The application bearing CM-1748-C-2022 has been filed invoking the provisions of Order 23, Rule 3 read with Section 151 Code of Civil Procedure (in short 'CPC') for disposal of the present appeal in terms of compromise arrived at between the parties during the pendency of this appeal.

2. Respondents No.6 & 7 have been proceeded *ex-parte* vide order dated 30.05.2013 and respondent No.5 is stated to have been expired and said fact has also been recorded in the order of even date i.e. 30.05.2013.



3. As per compromise dated 20.02.2020 the same has been effected between the parties i.e. appellants No.1 to 3 and respondents No.1 to 3; and although eight respondents were arrayed in the civil suit, however, the appeal was filed only at the behest of three respondents namely Pawan Kumar, Savita Gupta and Naresh Kumar, wherein the learned Appellate Court had partly modified the decree and held as under:-

“In view of my findings above, present appeal succeeds and is hereby partly allowed. It is hereby held that there exists a passage of 20 feet width on the northern side of southern boundary of khasra No.1085, as fully detailed in the head note of plaint and right of plaintiffs in the property in question comprised in khasra No.1085 is subject to said passage. Accordingly stay granted by learned trial court in favour of plaintiffs is confirmed subject to right of defendants in passage of 20 feet width situated along north side of southern boundary of khasra No.1085 and stay qua said passage is hereby vacated. Appeal is disposed off accordingly. In peculiar circumstances of the case, the parties are left to bear their own costs. Decree sheet be prepared accordingly. In peculiar circumstances of the case, the parties are left to bear their own costs. Decree sheet be prepared accordingly. Trial Court record be sent back along with copy of this judgment and appeal file be consigned to the record room”.

4. As per the compromise exists on record both the parties have appended their signatures detailing out their rights & obligations and the said compromise has been stated to be effected between the parties without any fear, threat, pressure or coercion from any side; coupled with the fact that counsel for respondents No.1 to 3 also admits it to be correct and has no objection if the present appeal being disposed of in terms of compromise effected.



5. Accordingly, the present appeal is disposed of in terms of compromise as agreed between the parties and let the compromise be made part of order passed by this Court. However, it is made clear that in case, the other non-contesting respondents having subsisting any right and are affected by above-said compromise, they shall have the right to agitate their claim in accordance with law.

6. Since, the main case has been decided, pending miscellaneous application(s), if any, are also disposed of accordingly.

19.11.2024
Gaurav Sorot

(ALOK JAIN)
JUDGE

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