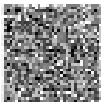


IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

144

2024.PHHC:155363



RSA-1741-2024 (O&M)
Date of decision: 25.11.2024

HARMANPREET SINGH AND ANR. ..Appellants

Versus

SUKHDEV SINGH ..Respondent

RSA-1954-2024 (O&M)

HARMANPREET SINGH AND ANR. ..Appellants

Versus

SUKHDEV SINGH ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Balbir Saini, Advocate
for Mr. Jaskamal Singh Grewal, Advocate
for the appellants.

ANIL KSHETARPAL, J(Oral)

CM-6861 & 6862-C-2024

1. For the reasons stated in the applications for condonation of delay which are supported by the affidavits, the applications are allowed.
2. The delay of 141 days and 20 days in refileing and filing the appeal, respectively, is condoned.
3. CMs stand disposed of.

Main case

4. These two regular second appeals have been filed by the plaintiffs against the concurrent findings of fact arrived at by the Courts below.
5. The plaintiffs filed suit for declaration to the effect that the agreement to sell should be rescinded along with forfeiture of earnest



The defendants filed counter claim seeking relief of specific performance of the agreement to sell.

6. The suit filed by the plaintiffs was dismissed, whereas, the counter claim filed by the defendants was decreed qua refund of earnest money.

7. These two appeals have been filed against the decree passed in the counter claim.

8. The learned counsel representing the appellants has brought to the notice of the Court the order passed by the Executing Court on 01.10.2024, which reads as under:-

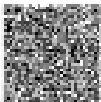
“Shri T S Dhiman, Advocate counsel for DH had suffered statement on dated 18.09.2024 that the counter claim of Sukhdev Singh was decreed in present case for Rs.11 lacs along with interest. He had also stated that the matter has been settled between the parties and DH Sukhdev Singh has received Rs.19 lacs in his account in full and final settlement of the decreetal amount.

He had further stated that as per instructions of his client, he withdraw the present execution being fully satisfied and now nothing is due from JD Harmanpreet Singh qua the said judgment and decree. The decree holder has no objection if the property of Harmanpreet Singh is released from attachment and the present execution is dismissed as withdrawn being fully satisfied.

In light of the statement suffered by counsel for DH on dated 18.09.2024, the present execution stands dismissed as withdrawn being fully satisfied. File be consigned to the Record Room, Fatehgarh Sahib. Pronounced.”

9. He submits that in view of the aforesaid order, the matter finally stands settled.

10. Keeping in view the aforesaid position, both the appeals are disposed of in view of order passed by the Executing Court on 01.10.2024.



11. All the pending miscellaneous applications, if any, are also disposed of.

November 25th, 2024

(ANIL KSHETARPAL)
JUDGE

Ay
Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*