



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.1070 of 2025 (O&M)

Date of Order:19.02.2025

Jagdish Kaur

.Petitioner

Versus

Smt. Murti Devi and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate
for the petitioner.

ANIL KSHETARPAL, JUDGE (Oral)

1. The petitioner herein has filed a suit for decree of declaration with a consequential relief of permanent injunction which is pending before the trial court.

2. During the pendency of the suit, the statements of the parties were recorded on 25.04.2024, to the effect that they have entered into a settlement, however, the court did not dispose of the suit there and then. Subsequently, the defendants filed an application seeking permission to withdraw the statements on the ground that the same has been got recorded by the defendants' counsel in collusion with the plaintiff's (counsel). The court has partly allowed the application while observing that the said statements will not be used for deciding the case forthwith, however, the effect of the such statements shall be considered subsequently.

3. The petitioner claims that once the statements have been recorded, the court should have disposed of the suit there and then.

4. This court has considered the submissions of the learned

counsel representing the petitioner.

5. The suit is still pending before the trial court. The trial court has already observed that the plaintiff shall have the right to use the statements at a later stage of the trial. Order 23 Rule 3 of the CPC mandates that the court will dispose of the suit on the basis of settlement after it is proved to the satisfaction of the court that the suit has been adjusted wholly or in part by any lawful agreement or settlement. In this case, no settlement in writing signed by the parties was produced. After the defendants have changed their stand, it is not appropriate for the court to record satisfaction.

6. Moreover, the plaintiff has not suffered any prejudice.

7. Hence, no ground to interfere is made out.

8. Dismissed.

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

(ANIL KSHETARPAL)
JUDGE

February 19, 2025

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