



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

45

**RSA-5109-2016
Decided on : 20.08.2025**

Dinesh Saini

... Appellant

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. B.B.S. Randhawa, Advocate for
Mr. Anoop Singla, Advocate for the appellant.

Mr. Jasdeep Singh, Addl. A.G., Punjab.

SANJAY VASHISTH, J. (Oral)

1. The instant Regular Second Appeal has been filed by the appellant, Dinesh Saini, a Government Contractor, against the State of Punjab and its concerned department, namely the Public Works Department (B&R), Shimla Pahari, Pathankot.

The suit filed by the appellant-plaintiff was dismissed by the learned Civil Court, i.e., the Civil Judge (Senior Division), Pathankot, vide judgment dated 25.03.2014. The first appeal, preferred by the appellant, was also dismissed by the learned Appellate Court, i.e., the Additional District Judge, Pathankot, vide judgment dated 02.12.2015. Thereafter, the present second appeal was filed before this Hon'ble Court in the year 2016, challenging the concurrent findings of dismissal recorded by both the courts below.

2. Vide order dated 15.07.2025, this Court referred the matter to the Mediation and Conciliation Centre of this Court to explore the possibility of an amicable resolution between the parties.



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3. In compliance with the said order, a report dated 07.08.2025 has been received from the Mediation and Conciliation Centre, along with a settlement/agreement dated 07.08.2025 executed between the respective parties. The terms of settlement have been duly recorded in paragraphs 5 and 6 of the report submitted by the learned Mediator, which read as under:

“5. That the settlement between the parties have arrived at the following manner:-

a) The parties have reached the amicable settlement whereby the first party has agreed to withdraw the present petition as nothing is due from the second party towards the first party. The first party has also tendered an affidavit dated 23.07.2025 also highlighting the fact that he does not wish to continue with the present petition and withdraw the same before the Hon'ble High Court. Copy of the affidavit is attached as Annexure A-1.

b) That the first party shall withdraw the present RSA pending before the Hon'ble Court on or before 20.09.2025 in terms of this compromise.

c) That both the parties have agreed that they will not initiate any execution proceedings qua judgement and decree, criminal or civil proceedings against each other and they have settled happily all their matters with regard to the above mentioned dispute in the present case till date.

6. By signing this Agreement the parties hereto state that they have no further claims or demands against each other with respect to the suit/claim/proceedings filed by each other in the present disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation and shall not institute any other case against each other with reference to the present claim.”

4. Learned counsel appearing on behalf of the appellant submits that, in accordance with Clause 5(b) of the settlement agreement, the



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appellant is required to withdraw the present appeal. In this regard, an affidavit dated **23.07.2025**, duly notarized, has already been placed on record. For ease of reference, a copy of the said notarized affidavit dated **23.07.2025** is reproduced herebelow

“ I, Sh. Dinesh Saini Government Contractor son of Shri Amin Chand resident of Ram Nagar, Saingarh, Pathankot Tehsil and District Pathankot do hereby solemnly affirm and declar on oath as under:

- 1. That I am permanent resident of Ram Nagar, Saingarh, Pathankot Tehsil & District Pathankot and I have filed the Regular Second Appeal No. 5109 of 2016 before this Hon"ble Court.*
- 2. That I do not want to pursue the Regular Second Appeal No. 5109 of 2016 before this Hon'ble Court and I want to withdraw the same before this Hon ble Court.*
- 3. That the said statement of mine is true and correct.”*

5. In view of the above, learned counsel for the appellant prays for withdrawal of the present appeal in terms of the settlement already arrived at between the parties.

6. In the light of statement made by learned counsel for the appellant and the affidavit already placed on record in compliance with the terms of the settlement arrived at during the Mediation Proceedings, the present appeal is permitted to be withdrawn and same is disposed of as withdrawn.

(SANJAY VASHISTH)
JUDGE

20.08. 2025

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Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No