IN THE HIGH COURT OF HIMACHAL PRADESH AT SHIMLA

RSA No. 246 of 2016
Decided on: 24.4.2026

Chanchla Devi & anr.

...Appellants

Versus

Ramu (deceased) through LRs

...Respondents

Coram
Hon'ble Mr. Justice Virender Singh, Judge
Whether approved for reporting?

For the Appellants: Mr. Rohit, Advocate vice Mr. Sumit Sood, Advocate, for appellant No. 2 (appeal against appellant No. 1 stands abated).

For the Respondents *:* Mr. Arun Kaushal, Advocate, for respondents No. 1(a) to 1(e).

Mr. Ashwani Sharma, Senior Advocate, assisted by Ms. Mamta, Advocate, for respondents No. 2 and 3.

Virender Singh, Judge (oral)

RSA No. 246 of 2016 & CMP No. 3926 of 2026

Initially, the present appeal has been preferred by appellants Chanchla Devi and Mathra Dass, against the judgment and decree, dated 11.3.2016, passed by the learned Additional District Judge (II), Kangra at

Dharamshala, Camp at Dehra, (hereinafter referred to as 'the First Appellate Court') in RBT Civil Appeal No. 109-G/2013/09, titled as, 'Chanchala Devi & anr. versus Ramu (through LRs) & others.

2. By way of judgment and decree, dated 11.3.2016, the learned First Appellate Court has dismissed the appeal filed by the appellants, which was preferred against the judgment and decree, dated 4.6.2008, passed by the Court of learned Civil Judge (Jr. Divn.) Court No. 2, Dehra, District Kangra, H.P., (hereinafter referred to as 'the trial Court'), in Civil Suit No. 181 of 2002, titled as, 'Ramu versus Chanchala Devi & ors.'.

3. Vide judgment and decree dated 4.6.2008, the learned trial Court has decreed the suit by granting the following relief:

> *"In view of my findings and decisions on Issues No.1 to 7 above, the suit of the plaintiff is partly decreed and it is hereby declared that plaintiff is sole owner in possession of suit land comprised in Khata No. 219, Khatauni No. 466, Khasra Nos. 139/3, 139/6 and 139/7, area and Khata No. 218, Khatauni measuring 0-29-15 hectares No. 465, Khasra Nos. 140/1, 141/4 and 150/1, area measuring 0-16-76 hectares, situated in Mohal and*

Mauza Chanour, Tehsil Dehra, District Kangra (HP), but since during pendency of suit, defendants No. 1 and 2 dispossessed the plaintiff from Khasra Nos. 140/1 141/4 and 150/1. hence, in alternative, plaintiff is also entitled for possession of Khasra Nos. 140/1, 141/4, and 150/1, area measuring 0-16-76 hectares, situated in Mohal and Mauza Chanour, Tehsil Dehra, District Kangra(HP). However, the mutation No. 448 is not illegal, null and void. Further, plaintiff is entitled for permanent injunction restraining defendants No.1 and 2 from causing any interference over the part of the suit land, which is in his possession i.e. Khata No. 219, Khatauni No. 466, Khasra Nos. 139/3, 139/6 and 139/7, area measuring 0-29-15 hectares, situated in Mohal and Mauza Chanour, Tehsil Dehra, Distt. Kangra(HP). In the peculiar facts and circumstances of the case, the parties are left to bear their own costs. Decree-sheet be prepared accordingly. File, after its due completion, be consigned to Record-Room."

4. During pendency of the present appeal, appeal against appellant No. 1 was abated. Now, by moving CMP No. 3926 of 2026, a prayer has been made to permit the appellant No. 2 to withdraw the appeal, on the ground that the matter has now been compromised between appellant No. 2 Mathra Dass and respondent No. 1 (a) Rajesh Kumar, S/o Ramu.

5. As per CMP No. 3926 of 2026, although, appeal against appellant No. 1 Chanchala Devi, who had

expired on 4.9.2021, was abated on 21.11.2025, however, appellant No. 2 is her only legal heir. Respondent No. 1(a) Rajesh Kumar has inherited the entire subject matter of the lis and now appellant No. 2 Mathra Dass and respondent No. 1(a) Rajesh Kumar have entered into compromise to put the entire controversy to an end, involved in the present case. In this regard, they have relied upon compromise Annexure PX.

6. This fact has duly been acknowledged by learned counsel appearing for respondent No. 1(a).

7. Although, reply to the application has not been filed, but, it has been pointed out by Mr. Ashwani Sharma, learned Senior Advocate, assisted by Ms. Mamta, Advocate, appearing for respondents No. 2 and 3 that the alleged compromise, has been effected between appellant No. 2 and respondent No. 1(a). As such, respondents No. 2 and 3 are not bound by the terms of the settlement.

7. The appeal has been filed by appellant Mathra Dass and when, he is satisfied with the compromise,

then, there is no legal hesitation for this Court to permit appellant Mathra Dass to withdraw the appeal.

8. Consequently, appellant No. 2 is permitted to withdraw the present appeal. Consequently, CMP No. 3926 of 2026 is allowed and the present appeal is dismissed as withdrawn. Appellant No. 2, as well as, respondent No. 1(a) shall be bound by the terms and conditions of the compromise Annexure PX. However, the said compromise will not affect the rights of other respondents, if any.

9. In view of above, CMP No. 3926 of 2026 is allowed and the present appeal is dismissed as withdrawn, in the aforesaid terms. The pending application(s), if any, are also disposed of.

(Virender Singh)
Judge

24.4.2026
Kalpana