



237

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

CR-3047-2015 (O&M)

Date of Decision : 13.01.2026

Swaran Kaur

... Petitioner(s)

Versus

Labh Singh (deceased) through LRs & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Deepak Sabherwal, Advocate for the petitioner.

Mr. Amit Jhanji, Senior Advocate with
Mr. Mayank Mathur, Advocate and
Mr. Anhad Batta, Advocate for respondent No.1(a).

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed challenging the impugned order dated 05.05.2014 (Annexure P-7) whereby the application filed by the petitioner for setting aside the order dated 02.04.2005 dismissing the suit as withdrawn on the basis of the compromise, was dismissed.

2. Brief facts which are relevant to the present *lis* are that Ajit Singh, who is the husband of the petitioner herein, is alleged to have executed a Will dated 27.07.1985 in favour of Labh Singh. Ajit Singh died on 13.08.1985 and thereafter mutation was sanctioned in favour of Labh Singh on 22.02.1989. Birpal Singh, minor son of Ajit Singh, filed a civil suit being CS No.254 dated 10.09.1997 through his next friend – Amar Singh. Swaran Kaur, petitioner herein and widow of Ajit Singh, was impleaded as defendant No.2. The daughters of Ajit Singh were impleaded as defendant Nos.3 and 4. Birpal Singh died on 30.05.2001 and on his death, his widow – Supreet Kaur,

his son – Ramandeep Singh – and mother – Swaran Kaur (petitioner herein) were impleaded as parties. Supreet Kaur, widow of Birpal Singh, on her behalf and on behalf of her minor son – Ramandeep Singh – entered into a compromise, on the basis of which the suit was dismissed as withdrawn on 02.04.2005. Swaran Kaur (petitioner herein), who had been impleaded as the legal representative of Birpal Singh, filed an application for setting aside the compromise on the ground that she was not a party to the compromise. The said application was dismissed vide order dated 05.05.2014 (Annexure P-7). Hence, the present revision petition.

3. During the course of hearing on 30.08.2024, learned counsel for respondent No.1(a) had pointed out that the application had been filed by Swaran Kaur through her power of attorney holder and this Court had directed the petitioner – Swaran Kaur – to remain present in Court. On 04.10.2024 the petitioner – Swaran Kaur – came to Court and made a categorical statement that she had never entered into a compromise. Thereafter, on 27.01.2025 the following order was passed :

“ The suit was filed by one Birpal Singh minor son of Ajit Singh through his next friend i.e. Amar Singh (uncle) for declaration to the effect that he along with defendants No.2 to 4, namely, Swaran Kaur, Ravinder Kaur and Balwinder Kaur being widow and daughters of Ajit Singh were successors-in-interest in equal share of the property left by Ajit Singh. During the pendency of the suit, Birpal Singh attained majority. He, however, died on 30.05.2001 and his widow – Supreet Kaur, son – Ramandeep Singh and mother – Swaran Kaur (who was also defendant No.2

in present suit) were impleaded as parties. On 02.04.2005 an application was filed by Supreet Kaur under Order 32 Rule 7 CPC for compromising the matter on behalf of her minor son – Ramandeep Singh. The order dated 02.04.2005 also records the same that the application was filed only by the mother – Supreet Kaur on behalf of her son – Ramandeep Singh.

On a query by the Court as to whether any other application was filed by Supreet Kaur for compromising the matter on her behalf or on behalf of Swaran Kaur, learned senior counsel appearing for respondent No.1(a) seeks some time. On his request, adjourned to 25.02.2025. Meanwhile, a scanned copy of the entire records of the Courts concerned be requisitioned.”

4. Learned counsel for the petitioner would contend that the application has been dismissed without really dealing with the fact that one of the legal representatives of Birpal Singh had not consented to the compromise.

5. Today, learned senior counsel appearing on behalf of respondent No.1(a), on instructions, states that he would have no objection if the matter is remanded to the Trial Court for a decision afresh on merits.

6. In view of the stand taken by the learned senior counsel for the respondent No.1(a), the present revision petition is allowed. The orders dated 02.04.2005 and 05.05.2014 are accordingly set aside and the suit is restored to its original number. The Trial Court to decide the matter afresh in accordance with law. The parties to appear before the Trial Court concerned on **30.01.2026**. The Trial Court is requested to make an endeavour to

expeditiously dispose off the matter. Both the counsel also assure this Court that they would fully cooperate and would not take any unnecessary adjournments.

7. Pending applications/IOIN, if any, also stand disposed off.

13.01.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO