



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

RSA No. 29 of 2023 (O&M)  
Date of Decision: 16.03.2026

Satinder Singh and others

..... Appellants

Versus

Surinder Singh through LR's and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Aashish Chopra, Sr. Advocate, assisted by  
Ms. Nitika Sharma, Advocate;  
Mr. Gagandeep Singh Virk, Advocate  
For the appellants-defendant Nos. 1 to 3.

Mr. Sumit Sinha, Advocate  
for respondent No. 1 (i), 2 & 3.  
(Applicant in CM Nos. 5282-C & 5286-C of 2025)

Mr. Nakul Sharma, Advocate  
for respondent No. 1 (ii)..

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**HARKESH MANUJA, J. (ORAL)**

**CM-INCOMP-455-2024**

Present application was filed on 26.04.2024; then re-filed on 14.05.2024 and the Registry had raised certain objections, which were not removed by the learned counsel.

As per Rule 9, Chapter 1, Part-A, Volume V, Punjab and Haryana High Court Rules and Orders, a case wherein objections have been raised by the Registry, the same is to be taken back by the counsel/party concerned, to be again re-filed within a period of 40 days.

Since the case file was not taken back for doing the needful by the learned counsel concerned, despite a specific note having been given in the cause list requesting the counsel to collect the case file for removal of objections, the Registry has listed this incomplete matter before this Court.

In view of the fact that no steps were taken by the counsel concerned for re-filing of the case after removal of objections, no order is called for on the judicial side and the instant incomplete application/appeal stands **disposed off**.

Registry to weed out the instant incomplete application as per Rules.

**CM-5282-C-2025**

Prayer in the present application under Order 22 Rule 3 & 4 read with Section 151 CPC, is for bringing on record the legal representatives of respondent No. 2-Gurinder Singh, who died on 25.02.2024.

Notice of the application.

On asking of the Court, learned counsel(s) for the non-applicant(s) accept notice and raise no objection against the prayer made in the application.

In view of the above, present application is **allowed** subject to all just exceptions. The applicant-Harminder Singh Chandwan is ordered to be impleaded as legal representative of the aforesaid respondent No. 2 so as to pursue the appeal. Amended memo of parties is taken on record.

Registry to do the needful.

CM-5286-C-2025

Prayer in the present application under Section 151 CPC moved on behalf of the applicant(s)- respondent No. 1 (i), 2 & 3, is for recalling of the order dated 10.01.2024 passed by this Court.

At the outset, learned counsel for the applicant(s) does not press the present application.

**Dismissed as not pressed.**

RSA No. 29 of 2023 (O&M)

Defendant Nos. 1 to 3 are in appeal.

[2] By way of present appeal, challenge has been laid to the judgments and decrees dated 20.12.2004 and 16.08.2022 passed by the trial Court and the First Appellate Court respectively, whereby a suit for declaration filed the instance of respondent Nos. 1 to 3/plaintiffs was decreed.

[3] The dispute in the present case relates to the estate left by deceased-Hazura Singh. During pendency of the present appeal, the parties being closely related to each other have entered into a settlement dated 17.04.2025 (Annexure A-1/annexed with CM-16032-C-2025) which has been duly signed by all the parties to the *lis* **except** one of the proforma respondent No. 5-Jasee Chandwan @ Jaswinder Singh whose whereabouts are not known as per the respective counsel(s) representing the parties.

**[4]** Appellant No. 1-Satinder Singh; Sh. Bhupinder Singh Walia attorney holder of Sh. Harinder Singh; and appellant No. 2-Harinder Singh through GPA Bhupinder Singh Walia, who are present in Court, have been identified by their counsel-Sh. Gagandeep Singh Virk, Advocate.

**[5]** Respondent No. 1 (i)-Robinder Singh; Mr. Harminder Singh Chadwan/legal representative of respondent No. 2-Gurinder Singh; Mr. Satvinder Singh Chandwan and Ms. Kirandeep Walia, both legal representatives of respondent No. 3-Raminder Singh Chandwan; Mrs. Nirmal Kaur Chandwan wife of late Sh. Raminder Singh Chandwan, through GPA Holder Ramanjit Singh Ahluwalia; and Ms. Manindra Chandwan (through whatsapp video call), who are present in Court, have been duly identified by their counsel-Sh. Sumit Sinha, Advocate.

**[6]** Respondent No. 1 (ii) Ruby Singh Kaur, who is present in Court, has been identified by her counsel-Sh. Nakul Sharma, Advocate.

**[7]** To a specific query from this Court, learned counsel(s) for the parties, on instructions from their respective parties who are present in Court/joined through whatsapp video-call, inform that the proforma respondent No. 5 is not traceable for the past ten years. A perusal of the settlement deed dated 17.04.2025, however, reflects that while keeping in view the interest of respondent No. 5 in the estate left by his deceased-father (Hazura Singh), land measuring 21 bighas 8 biswas situated at Vilage Banur, Sub Tehsil Banur, District SAS Nagar (Mohali) has been allocated and assigned to the share of said respondent No. 5-Jasee

Chandwan @ Jaswinder Singh. The relevant contents to the aforesaid effect from the compromise/settlement dated 17.04.2025 entered into between the parties are extracted here-below:-

*“ That now, all the aforementioned parties have decided with mutual consent and agreement, and have divided the land falling under their respective shares as follows:-*

*1. That Khasra no. 6676 (2-8) -6679 (2-15) – 6680 (2-15)- 6695 (2-15) 6696 (2-15)-6697 (4-0)-6698 (4-0) Kitte 7 total area 21 Bigha 8 Biswas situated at village Banur, Sub Tehsil Banur, District SAS Nagar has been given to Jaswinder Singh son of late Hazura Singh.”*

**[8]** In the given facts, the dispute between the legal heirs of deceased-Hazura Singh *qua* the estate left by him is stated to be pending consideration for the past more than 30 years; thus, at this stage, learned counsel(s) for the parties, on respective instructions, submit that in terms of aforesaid compromise dated 17.04.2025, present appeal may be disposed off. Besides it, learned counsel(s) for the parties have stated at the Bar that the respective parties would be bound by their stand as under:-

“(i) The parties acknowledge that they are owners of their respective land as mentioned in the compromise dated 17.04.2025 and would be bound by it;

(ii) The parties agree that keeping in view the compromise, the share assigned to respondent No. 5 shall not be alienated unless any

declaration is granted by the Court of competent jurisdiction about him being dead or alive. Till then, the said portion of land be kept under cultivation and the sale proceeds therefrom be kept by the eldest of the heirs of Hazura Singh in a Nationalized Bank in the form of periodical Fixed Deposit Receipts (FDRs) being the custodian; and

(iii) the parties would facilitate for recording of the entries in the revenue records as per their respective shares as defined in the compromise.”

[9] In view of the aforesaid agreed stand taken by both the sides, the main appeal is **disposed off** accordingly. The compromise dated 17.04.2025 having been arrived at between the parties be read as part of the order and decree-sheet be prepared accordingly. The parties would be bound by their respective stand as taken.

[10] This Court is conscious of the fact that in the absence of direct or even implied approval of respondent No. 5 to the compromise dated 17.04.2025; it was not legally apt to dispose of the appeal, yet keeping in mind that the settlement may bring back the much awaited love and affection among the legal heirs of deceased-Hazura Singh, it would be just to dispose off the appeal at this stage in order to close down the cause of stress between the legal heirs of the deceased at their advance age. However, it is made clear that in case the parties, who are present in the

Court / joined through electronic mode, breach the terms and conditions of the compromise in question especially *qua* the share of proforma respondent No. 5-Jasee Chandwan @ Jaswinder Singh, he or his legal representatives shall be at liberty to seek revival of the present appeal.

**[11]**        Since the main case itself has been decided, no orders are required to be passed in the pending miscellaneous applications and the same shall stand disposed off.

**March 16, 2026**

*'dk kamra'*

**( HARKESH MANUJA )  
JUDGE**

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|----------------------------------|---------------|
| <i>Whether Speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether Reportable</i>        | <i>Yes/No</i> |