



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

CR-4994-2023

Date of decision : 30.04.2025

Sumiti Parshad Jain

... Petitioner

Versus

Sat Pal Jain and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Vaibhav Sehgal, Advocate
for the petitioner.

Mr.Ashish Bansal, Advocate
for respondent no.3.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the impugned order dated 12.07.2023 (Annexure P-6) passed by the trial Court in case bearing CM no.831 of 2018 filed by the petitioner-plaintiff for passing of final decree qua preliminary decree dated 18.12.2017 wherein the objections filed by the respondent-defendant no.3 has been allowed.

2. During the course of arguments, a consensus has arisen between the learned counsel for the petitioner and learned counsel for contesting respondent no.3 on instructions from their respective clients.

3. It is jointly submitted that as per the preliminary decree dated 18.12.2017, the petitioner-plaintiff as well as respondent no.3-defendant



no.3 and their two brothers were held to be owner to the extent of 1/4th share of the house in question. It is submitted that in the proceedings for final decree, the report of Local Commissioner (Annexure P-3) was submitted and along with the said report, a site plan was submitted showing the proposed division of the property in question. As per the said site plan, the property shown to be on the southern side and highlighted with crossings is to be given to the petitioner-Sumiti Parshad Jain. It is further submitted that although respondent no.3-defendant no.3 had submitted objections which were allowed vide order dated 12.07.2023, but as per the compromise having been arrived at between the petitioner and respondent no.3, both the parties have accepted the site plan (annexed at running page 26 of the paper book) submitted by the Local Commissioner as full and final settlement for the purpose of division of property in question. It is thus jointly prayed that in view of the same, the impugned order dated 12.07.2023 be set aside and the present petition be disposed of in terms of the compromise which has been arrived at between the parties.

4. Keeping in view the above said facts and circumstances and with the consent of the learned counsel for the petitioner and learned counsel for respondent no.3, the present petition is disposed of with the following observations/directions:-

- i). The order dated 12.07.2023 is set aside. The site plan annexed at running page 26 of the paper book would be considered to be the final site plan for the purpose of division of the property in question.



ii). The defendant no.3/respondent no.3 has undertaken to give possession of the property which is shown to be on southern side and has been marked red and which will be handed over to the petitioner within a period of four weeks from today.

iii) The respondent no.3-defendant no.3 would also demolish the construction and would also reconstruct the point 'ABCD' as given in the site plan, with his own expenses and would make every effort to make the necessary construction as expeditiously as possible and for the said purpose, the matter would be kept pending before the Executing Court, before whom the progress with respect to the construction would be given at regular intervals. It is further submitted that it would be open to the Executing Court to pass necessary orders for the purpose of expeditious and amicable construction being raised.

iv). Both the parties would be bound by the statements made before this Court.

v). It has been brought to the notice of this Court by respondent no.3 that RSA no.301 of 2025 has been filed by respondent no.3 and the compromise in the abovesaid terms has been effected subject to the final decision in the said RSA. It is also jointly submitted that in case the said RSA filed by the respondent no.3 is allowed, then the respondent no.3 would move an application before the Executing Court to pass orders



in compliance to the judgment passed in the said RSA. Needless to say that in case the RSA is dismissed, then, the present terms of the compromise would be binding on the parties.

(VIKAS BAHL)
JUDGE

April 30, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No