

Neelam Kumari VS Bal Krishan etc.

Present: Sh. K.S. Thakur Advocate for the appellant.
Sh. Malkiat Singh and Tarunvir Advocate for the respondent
No.1.

Respondent no. 1 Bal Kishan has tender a sum of Rs.4,50,000/- in cash to applicant Harjinder Kumar (for himself and being attorney of applicants no. 1 and 2) as full and final payment of land in dispute comprised in khasra no. 4//26/1 (1-3). He further stated that he proposed to leave 2 karam wide and 11 karam long passage on western side of said property, instead of eastern side as stated by him on the last date of hearing. He next stated that he shall remove the constructions/super structure standing on site of passage as aforesaid within 15 days from today, the passage shall be used jointly by him and applicants. He also stated that neither he nor applicants shall lay any claim as regards ownership over the site of passage. Applicant no. 3 Harjinder Kumar for himself and as attorney of applicant no. 1 and 2 has suffered a statement that the applicants accept Rs.4,50,000/- from respondent as full and final payment towards the share of the applicants in the disputed property comprised in khasra no. 4//26/1(1-3), and be stated that applicants have received total sum of Rs.8,60,000/- from respondent. He further stated that he voluntarily receive the said amount as full and final consideration of our share instead of Rs.8,85,332/- (i.e. price for 18 marala 4 sarshi @ Rs.48,000/- per marla). He further for all applicants relinquished their claim in the disputed property i.e. the land and the super structure raised on said land. He next stated that applicants recognize and admit the respondent to be sole owner of the said property except the passage on western side measuring 11 x 2 karam. He also stated that the passage shall constitute a joint passage for user of respondent and all the applicants and that the less amount of Rs.25,332/- shall be considered as the price/consideration paid by them for the land of passage. He stated that on removal of super structure standing on the site of passage the decree be passed in view of statements of respondent and himself as aforesaid. Adjourned to 13.12.2019 for furnishing site plan after removing superstructure.

Dated: 23.11.2019

Daizy

(Babita)
JMJC-cum-CJJD/ Hoshiarpur
UID No. PB-0474