

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3392 OF 2020  
[@ SPECIAL LEAVE PETITION (C) NO. 36367 OF 2017]

KARAM SINGH & ANR.

Appellant (s)

VERSUS

GURVINDER SINGH

Respondent(s)

O R D E R

Leave granted.

Mr. Sangram S. Saron, learned counsel appearing on behalf of the appellant, has informed us that the respondent has been sought to be served repeatedly, but is evading service and not appearing before this Court.

Pursuant to a compromise dated 07.08.2014, the parties settled the matter, and on a joint statement recorded on 11.08.2014 in pursuance of the compromise, the appellants withdrew their suit for specific performance of the agreement in question in the hope that the compromise would fructify. Apparently this did not happen, as a result of which, an application dated 01.10.2014 was filed to restore the suit to the file. The appellants alleged that they have done everything in their power to abide by the compromise, but the respondent was resiling from the same.

This application was dismissed by the Trial Court by Judgment dated 20.08.2016, in which it was stated that since the compromise itself was not placed before the Court, the application to restore the suit to the file was dismissed.

The High Court, by the impugned order dated 23.01.2017 refused to interfere in Revision.

We have heard Mr. Sangram S. Saron, learned counsel appearing for the appellants and perused the compromise, which is annexed as Annexure P3 to this appeal. This is a fit case in which the suit ought to be restored to the file. It will be open for the parties to argue all points open to them on facts and law.

In view of the above, the impugned Judgment is set aside and the appeal is allowed.

Pending interlocutory application(s), if any, is/are disposed of.

.....J.  
[ ROHINTON FALI NARIMAN ]

.....J.  
[ NAVIN SINHA ]

.....J.  
[ K.M. JOSEPH ]

New Delhi;  
October 08, 2020.

