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**(1992) 08 P&H CK 0023**  
**In the Punjab And Haryana At Chandigarh**  
**Case No : Civil Revision No. 1597 of 1991**

Amar Singh

APPELLANT

Vs

Smt. Manri and others

RESPONDENT

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**Date of Decision :** 05-08-1992

**Acts Referred:**

**Citation :** AIR 1993 P&H 149 : (1993) CivCC 47 : (1993) 1 CivCC 47 : (1993) 2 CivCC 407

**Hon'ble Judges :** A.L. Bahri, J

**Bench :** Single Bench

**Advocate :** Mr. Gurmohan Singh, for the Appellant; Mr. R.A. Sheoran, for the Respondent

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## Judgement

1. Amar Singh plaintiff has challenged in this revision-petition the order of Sub-Judge 1st Class, Charkhi Dadri, dated November 14, 1990 whereby he rejected an application for passing the decree in accordance with the compromise entered into between the parties to the suit.

2. Amar Singh filed a suit for declaration that he was owner in possession in equal share of land measuring 22 kanals 6 marlas, being % shares of the total land measuring 60 kanals & marlas, which is in dispute and that defendants Nos. 2 to 4 Raghbir and others have no concern with the same. Further declaration was sought that the sale deed dated March 8, 1985 and mutation No. 487 dated March 9, 1984. In respect of defendants Nos. 2 to 4 were illegal and not binding on the plaintiff. During pendency of the aforesaid suit, the parties entered into a compromise and moved the Court for passing the decree in accordance thereof. The statements of the parties were recorded. Compromise Exhibit CX was admitted into evidence. However, the application was dismissed on the ground that the compromise aforesaid required registration under the Indian Registration Act, 1908.

3. The approach of the learned trial Court in respect of the applicability of the provisions of the Indian Registration Act, is entirely erroneous. By entering into a

compromise, the parties have not either created or extinguished any right in the property. In substance, the claim of the plaintiff stands recognised in the compromise. Further more, even if on the basis of such a Compromise, a decree had been passed, the same could not be held to be bad in law for want of registration. This question was considered by the Division Bench of this Court in Gurdev Kaur and Another Vs. Mehar Singh and Others, ) and it was held :--

"A compromise decree regarding immovable property which is subject-matter of the dispute in the suit, does not require registration, even if title is created in favour of the decree-holder for the first time under the decree, whether with consideration or without consideration.

4. In view of the Rule of law laid down above, it cannot be said that the compromise in a suit with respect to the property involved in the suit required registration.

5. For the reasons recorded above, this revision-petition is allowed. The impugned order is set aside with a direction to the trial Court to pass the decree in accordance with the compromise which has been admitted by the parties in their statements. There will be no order as to costs. The parties to appear in the trial Court on September 1, 1992.

6. Petition allowed.