

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

Date of Decision: 07.01.2015

C.R.No.2896 of 1989

Lachhman Dass & others

...Petitioners

Versus

Madan Lal & others

...Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

Present: Ms. Ganganpreet Kaur, Advocate, for the petitioners.

None for the respondents.

HEMANT GUPTA, J. (ORAL)

Challenge in the present revision petition is to an order passed by the trial Court on 08.04.1989 in a suit filed on the assertion that on the intervening night of 08/09.05.1983, the defendants demolished the roof of the shop in question and also constructed a wall shown as A, B in the plan attached in front of the shop.

The defendants denied the assertions of the plaintiff and that shop in question alongwith adjoining shop belonging to some other owners had collapsed with front and roof fallen and remained unoccupied and that defendant No.1 through its trustees are in occupation of the shop as owner since 26.08.1982.

The trial Court decreed the suit holding that the plaintiffs have proved their possession and consequent dispossession within six months of the filing of the suit. Consequently, the trial Court passed an order of restoration of possession.

The judgment in question was subject matter of challenge before the learned first Appellate Court as well. The learned Additional District Judge, Amritsar vide judgment and decree dated 14.09.1993 set aside the judgment and decree of the trial Court and dismissed the suit. The Regular Second Appeal i.e. RSA No.1081 of 1994 titled 'Madan lal & others Vs. Gaur Mandir Katra Dullo & others' against the said judgment and decree has been dismissed for want of prosecution vide order of even date.

In view of the fact that the judgment in question in the present revision has been set aside in appeal vide judgment dated 14.09.1993, the present revision petition is rendered infructuous. The same is accordingly dismissed as having been rendered infructuous.

07.01.2015
Vimal

(HEMANT GUPTA)
JUDGE