

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Regular Second Appeal No. 1019 of 2013 (O&M)
Date of decision: 18.5.2015

Jagdish Singh and another

.. Appellants

v.

Pepsu Road Transport Corporation and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Abhishek Arora, Advocate for the appellants.

Mr. Anupam Singla, Advocate for respondents No. 1 and 2.

...

Rajesh Bindal J.

The plaintiffs are before this court against concurrent findings of fact recorded by both the courts below, whereby in a suit filed by them for injunction restraining the respondents from dispossessing them from the temporary sheds located outside the bus stand adjoining the road, was dismissed.

Learned counsel for respondents No. 1 and 2 at the very out-set submitted that temporary sheds constructed by the appellants were removed by Municipal Council, Budhlada on 2.7.2014. If the appellants were aggrieved of that action, they had their independent cause of action. As the temporary sheds, removal of which was sought to be injuncted in the suit filed by the appellants, have already been removed by Municipal Council, Budhlada, the cause of action in the present appeal does not survive.

Learned counsel for the appellants does not dispute the fact that the sheds in occupation of the appellants had been removed by Municipal Council, Budhlada and they are no more in possession of the same.

Considering the aforesaid submissions made by learned counsel

for the parties, in my opinion, nothing survives in the present appeal. The same is dismissed as infructuous.

(Rajesh Bindal)
Judge

18.5.2015
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