

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. RSA No.3296 of 1997 (O&M)
Date of decision : 30.11.2016

Baldev Singh and others

...Appellants

Versus

Lal Singh and others

..Respondents

2. COCP No.3074 of 2012 (O&M)
Date of decision : 30.11.2016

Pritam Singh and others

...Petitioners

Versus

Mukhtiar Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL.

Present: Mr. Amit Jain, Advocate for the appellants
(In RSA No.3296 of 1997)

Mr. Mohinder Singh Joshi, Advocate for respondent(s)
(In RSA No.3296 of 1997)

AMIT RAWAL, J. (Oral)

This appeal is against the judgment and decree rendered by the
lower Appellate Court, whereby only injunction to the respondent-plaintiff
in respect of 7 bighas of land had been granted and relief of declaration of

becoming owner by way of adverse possession, was declined.

Before Mr. Amit Jain, Advocate could commence the arguments, Mr. Mohinder Singh Joshi, learned counsel appearing on behalf of respondent No.1-plaintiff submits that during the pendency of the appeal, the land in dispute has been acquired by HUDA and possession was being taken by the HUDA from them. A petition under Section 30 claiming the compensation is stated to be pending, therefore, he submits that no cause of action survives in favour of the appellant.

In view of the statement made by Mr. Mohinder Singh Joshi, Advocate that land in dispute has been acquired by HUDA and petition under Section 30 of the Land Acquisition Act, 1894, is stated to be pending, therefore, no cause of action survives.

Accordingly, present Regular Second Appeal is rendered as infructuous clarifying that judgment and decree of the Courts below granting the injunction had become immaterial in view of the subsequent events, whereas findings of the trial Court in not granting the declaration is upheld.

Liberty is granted to revive the present Regular Second Appeal and contempt petition, in case statement made by Mr. Joshi, Advocate is found to be incorrect.

Contempt petition is also dismissed.

30.11.2016

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(AMIT RAWAL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No