

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

**RSA No.3846 of 2014 (O&M)
Date of Decision.12.12.2016**

Dewan Brijendra Kumar

.....Appellant

Vs

Dewan Gajendra Kumar and others

.....Respondents

Present: Mr. Pritam Saini, Advocate
for the appellant.

Mr. V.K. Jindal, Senior Advocate with
Mr. Akshay Jindal, Advocate
for the applicants-respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

Mr. Pritam Saini, learned counsel appearing for the non-applicant/appellant in response to the application bearing No.14425-C of 2016 submits that as per the Award dated 17.03.1985, the appellant never approached the applicants-respondents to get the lease deed executed. The applicant is stated to be expired on 01.09.2016 and in view of the death of the non-applicant/plaintiff, the personal relief qua possessory right on the basis of Award no longer survives.

The averment made in the application is found to be justified as the suit in view of the terms and conditions of the Award has become abated. No cause of action survives.

I do not intend to differ with the concurrent finding of fact in view of the supervening and subsequent events. Accordingly, the second appeal is dismissed.

**(AMIT RAWAL)
JUDGE**

December 12, 2016

Pankaj*

Whether speaking/reasoned Yes

Whether reportable No