

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

RSA No.2418 of 1989 (O&M)

Date of Decision:17.04.2017

The State of Haryana and another

.....Appellants

Versus

Pirthi and another

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

**Present: Mr.Manoj Kumar Sangwan, DAG, Haryana,
for the appellants-State.**

**Mr.Karminder Singh, Advocate,
for respondent No.2.**

RAMESHWAR SINGH MALIK, J.(Oral)

Defendant Nos.2 and 3 are in regular second appeal against the judgment of reversal passed by the learned Additional District Judge, whereby first appeal of the plaintiff-respondent was partly allowed, thereby passing a decree of injunction restraining the defendants from interfering into the possession of the plaintiff and dispossessing him forcibly, except in due course of law, modifying the decree of the learned trial Court to this limited extent.

During the course of hearing, it was found that Sh.Ram Phal, Clerk, Office of District Forest Officer, Karnal, has come present to assist the learned counsel for the State-appellants. When Sh. Ram Phal, Clerk, Office of District Forest Officer, Karnal, was asked to apprise this Court as to whether plaintiff-respondent, namely, Pirthi is still in actual physical possession of the suit land or not, Sh.Ram Phal submitted before the Court

that the plaintiff-respondent is no more in physical possession of the suit

land. He further stated that instead of Pirthi, plaintiff-respondent, some other persons are in cultivating possession of the suit land, because of which instant appeal has been rendered infructuous.

The abovesaid statement made by Sh. Ram Phal, Clerk, Office of District Forest Officer, Karnal, has not been controverted by learned counsel for respondent No.2 as well.

In view of the abovesaid undisputed statement made by the concerned official of the appellant-State, nothing is left to be decided in the present appeal.

Accordingly, the instant appeal is ordered to be disposed of as having been rendered infructuous.

April 17, 2017
mamta/seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No