

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

**CM No.2464-C of 2016 in/and
RSA No.1928 of 2009
Date of decision: 02.03.2017**

Dharam Devi

..Applicant-Appellant

Versus

Subhash Chand (since deceased) through L.Rs. ..Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. Rakesh Nehra, Advocate
for the applicant-appellant.

Mr. Gaurav Verma, Advocate for
Mr. Rakesh Kumar Sharma, Advocate
for the respondents.

Daya Chaudhary, J. (Oral)

CM No.2464-C of 2017

This application is for placing on record affidavits of legal heirs of the deceased-respondent.

Application is allowed and affidavits of legal heirs of the deceased-respondent are taken on record.

RSA No.1928 of 2009

Appellant-Dharam Devi, who was plaintiff before the trial Court filed a suit for permanent injunction, which was decreed in her favour vide judgment and decree dated 22.08.2003. Said judgment and decree was challenged by the defendant and his appeal was allowed vide judgment and decree dated 20.03.2009.

The present appeal has been filed to challenge the judgment and decree dated 20.03.2009 passed by the lower Appellate Court.

Notice of motion was issued in the case on 24.07.2009 and thereafter, it was admitted on 29.08.2013.

During pendency of the appeal respondent-Subhash Chand died and his legal representatives were also brought on record vide order dated 14.07.2016.

The dispute between the parties is of common wall. Legal representatives of deceased-respondent-Subhash Chand, namely, Parveen, Chanchal, Jyoti and Raj Kumar have filed their affidavits stating therein that they do not want to pursue/contest the present appeal and are having no objection in case, the appeal is allowed as prayed therein. It is also mentioned that the legal representatives of respondent-Subhash Chand will not claim any right, title or interest in the suit property.

Learned counsel for the respondents has also submitted that the respondents have no grouse in any manner and they are not interested in pursuing the case. They have also no objection in case, the appeal is allowed in favour of the appellant.

In view of the submissions made by learned counsel for the respondents and the affidavits filed by the legal representatives of deceased-respondent-Subhash Chand, the present appeal is allowed and impugned order dated 20.03.2009 passed by the lower Appellate Court is set-aside.

02.03.2017
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(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned

√
Yes/No

Whether Reportable

√
Yes/No