

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

**FAO No.5661 of 2012 (O&M)
Decided on : 28.03.2017**

Mohinder Singh

... Appellant

Versus

Malkiat Singh and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. ADS Sukhija, Advocate
for the appellant.

Mr. Namit Gautam, Advocate
for respondent No.1.

Mr. P.S. Bajwa, Addl. AG, Punjab.

G.S. Sandhawalia, J. (Oral)

The defendant No.8 challenges the order dated 30.05.2012, whereby his application under Order 41 Rule 20 & 21 CPC seeking re-hearing and re-decision of the order dated 04.03.2004 (Annexure P-2) has been dismissed. The said appeal had been filed against the order dated 28.11.2003 passed by the Civil Judge (Junior Division), Ludhiana, whereby status-quo had been directed to be maintained.

The plaintiff had challenged the said order and approached the Appellate Court which had been pleased to issue directions that the State shall be restrained for changing the entries in the revenue record through *Fadar Badar* till the decision of the case on merit. Parties were directed to put in appearance on 15.03.2004 before the trial Court.

It is to be noticed that vide the impugned order dated 30.05.2012, the Additional District Judge, Ludhiana at that point of time had noted that the suit is not yet decided.

Counsels are at loss at this point of time after a period of almost five years to inform this Court whether the suit is still pending or not.

Resultantly, this Court does not go into the merits of the case and disposes of the present appeal as having been rendered infructuous, in the absence of any such information whether the suit has been decided or not and the interim order has merged in the final decree.

Liberty is given to revive the proceedings, in case the dispute still subsists.

MARCH 28, 2017
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No