

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CM Nos.10369-70-C and 10757-C of 2017
in/and RSA No.1354 of 2012 (O&M)
Date of Decision: September 05, 2017

Dharampal and another

..Appellants

Versus

Shamo @ Shanti and others

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present:- Mr. Vijay Deep, Advocate
for appellant no.1 with
Kuldeep (one of the LR's of appellant no.1-Dharampal).

Appellant No.2-Rajpal in person.

Mr. B.S. Rathee, Advocate
for respondents no.1 & 2.

Mr. Shilak Ram Hooda, Advocate
for respondents no.3 & 5.

DEEPAK SIBAL, J. (oral)

CM No.10369-C-2017

The present application has been filed under Order 22 rule 3 read with Section 151 CPC for bringing on record legal representatives of appellant no.1-Dharampal, who is stated to have died on 18.07.2016.

After hearing learned counsel for the parties, such application is allowed subject to all just exceptions and the legal representatives of appellant no.1-Dharampal as detailed in para no.3 of the application are ordered to be brought on the record. Amended memo of parties annexed

with the application is ordered to substitute the originally filed memo of parties.

The application stands disposed of.

CM-10370-C-2017
CM-10757-C-2017
RSA No.1354 of 2012

Respondents Shamo @ Shanti and Ramo @ Ram Rati had filed a suit before the trial Court seeking therein to declare themselves as owners in possession to the extent of 2/3rd share out of half share left by their father Puran in the suit land so described in the plaint. It was further prayed that a sale deed executed by one Man Bhari in favour of Yogender Singh, Nirmala Devi and Raj Singh be declared null and void. Mutation no.2423 sanctioned on the basis of a Will dated 11.01.1973 by the aforesaid Man Bhari was also challenged.

The trial Court decreed the suit. The appellants, who are the legal representatives of the afore-referred Man Bhari, challenged the judgment and decree of the trial Court by way of an appeal before the Appellate Court which was dismissed giving them a cause to knock the doors of this Court through the present second appeal.

On 23.03.2012, after crystallizing the substantial questions of law found to rise in the present appeal, the same was admitted for regular hearing. It was further directed that during the pendency of the appeal, alienation of the suit property shall remain stayed. Through order dated 30.05.2017, on an application moved on behalf of respondents no.1 & 2, the present appeal was ordered to be listed for final hearing on 05.09.2017.

CM-10370-C-2017 has been filed on behalf of legal representatives of appellant no.1 Dharampal seeking to withdraw the main appeal. A similar application being CM-10757-C-2017 has been filed by appellant no.2-Rajpal.

Learned counsel appearing for the legal representatives of appellant no.1 as also appellant no.2 who appears in person have submitted that they wish to withdraw the main appeal. Appellant no.2, has been identified by Kuldeep who is one of the LRs of appellant no.1 who in turn has been identified by his counsel.

Counsel appearing on behalf of respondents No.1 & 2, 3 & 5 state that they have no objection if the prayer made in the applications is allowed.

In view of the above, as prayed for by learned counsel appearing for the legal representatives of appellant no.1 as also appellant no.2 who has appeared in person, the appeal is permitted to be withdrawn.

Dismissed as withdrawn.

(DEEPAK SIBAL)
JUDGE

September 05, 2017
Sunil

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No