

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

RSA No. 4951 of 2012 (O&M)

Date of Decision: 27.11.2017

Manjit and another

.....Appellants

Versus

Gopal and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Rakesh Nehra, Advocate
for the appellants.

Mr. Ashwani Gaur, Advocate
for respondents No. 1 to 3.

AVNEESH JHINGAN, J.

The present regular second appeal has been filed by the plaintiffs-appellants whose suit for permanent injunction was dismissed by learned Trial Court vide judgment and decree dated 04.03.2010.

Aggrieved of the said judgment and decree, the first appeal was filed and the same was also dismissed by learned Addl. District Judge, Jhajjar, vide judgment and decree dated 24.7.2012.

The suit was filed for restraining the defendants from demolishing the encroachment in Khasra No. 131. The said encroachment was removed pursuant to the order dated 27.4.1995 passed under Section 7 of the Punjab Village Common Lands (Regulation) Act, 1961.

During the pendency of the suit, the said order was executed and warrant of possession Ex.D-7 along with intimation dated 27.1.2003 was also produced before the Trial Court.

Since, after the execution of the order, the entire proceedings had been rendered infructuous, counsel for the parties were specifically asked that what survives, learned counsel for the appellants-plaintiffs submitted that his only grievance is that inspite of admitted position that the plaintiffs are owners of Plot No.154, the respondents are interfering in their plot.

At this stage, learned counsel for respondents states that neither his clients have interfered nor they will be interfering in Plot No.154. He further submitted that in their written statement they have admitted this position that appellants are owners of Plot No. 154 and they are not interfering therein.

In view of the said statement, nothing survives in the appeal for adjudication.

If any cause of action or any grievance is left, the parties would be at liberty to avail their remedy as per law.

27.11.2017
reema

(AVNEESH JHINGAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No