

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

RSA No.512 of 2009 (O&M)

Date of decision : 12.11.2018

Bishamber Dayal and another

...Appellants

Versus

Harbans Lal Bajaj and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vishal Khatri, Advocate for
Mr. Vipul Jindal, Advocate for the appellants.

Mr. Arun Jindal, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

On 13.07.2018, this Court had passed the detailed order.

Operative part, whereof reads as under:-

“This Regular Second Appeal is arising from the suit for permanent injunction.

The main dispute between the parties for dissolution of the partnership firm and partition of the property is stated to be pending before the trial Court after remand by the First Appellate Court vide order dated 09.10.2009. A partnership firm-Lord Shiva Rice & General Mill has been dissolved. A final decree which may be passed by the learned trial Court would result in resolving all the disputes. The matter is pending before the trial Court for more than 20 years. Even after remand by the First Appellate Court, the proceedings for preparation of the

final decree are pending for almost 9 years.

Keeping in view the aforesaid facts, it is considered appropriate to direct the learned trial Court before whom the proceedings for preparation of the final decree are pending, to pass a final decree and conclude the proceedings within a period of three months from the date of receipt of the certified copy of the order.

As informed by the learned counsel for the respondents, the case is pending in the Court of Mrs. Gayatri, Civil Judge at Samalkha for 17.07.2018.

Adjourned to 12.11.2018.”

Learned counsel for the appellants has pointed out that pursuant to the directions issued by this Court, a final decree has been passed. Hence, he submits that the appeal has been rendered infructuous.

Learned counsel for the respondents also does not dispute this position.

Hence, the present appeal is dismissed as infructuous.

12.11.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No