

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

RSA No.5359 of 2012

Date of Decision.02.05.2018

Jaspal @ Shushil and others

.....Appellants

Vs

Satya Devi and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Vishmeet Singh, Advocate for
Mr. S.S. Bhinder, Advocate
for appellant No.1 and 2.

Mr. S.S. Majithia, Advocate
for appellant No.3 to 5.

Mr. Manu R. Bhardwaj, Advocate
for respondent No.1 to 9.

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AMIT RAWAL J.(ORAL)

On the last date of hearing, learned counsel appearing for the respondents pointed out that the regular second appeal had been rendered infructuous as while preparing the final decree, the matter has been compromised by the respective parties.

Faced with that situation, learned counsel for the appellants had sought time for seeking instructions from his client. In this view of the matter, the case was adjourned for today. Today also, there is a request made for adjournment.

Learned counsel for the respondents has shown order of Lok Adalat dated 08.04.2017 in case of 'Satya Devi Vs. Shanti Devi etc.' which was the original memo of parties in the trial Court whereby the decree holders have suffered a statement that they have taken their possession. The order dated 08.04.2007 reads thus:-

“The file taken up today and put up before the National Lok Adalat for compromise. Sh. H.S. Chahal, counsel for the applicants along with applicant Birbal Dass made statement that the applicants have taken the possession of their due share, so they do not want to proceed with the present application. In view of the above said statement, the present application is dismissed as withdrawn being fully satisfied. File be consigned to the Record Room.”

In view of the aforementioned fact, I am of the view that no cause of action survives in the present appeal, for, the appeal had been filed against the drawing of preliminary decree.

The second appeal is dismissed as having been rendered infructuous. The order dated 08.04.2017 shall be formed part of the record.

(AMIT RAWAL)
JUDGE

May 02, 2018
Pankaj*

Whether reasoned/speaking Yes

Whether reportable No