

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-5979-2015(O&M)

Date of Order:19.09.2018

SURESH

..Appellant

Versus

BADHWA AND ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Parshant Garg, Advocate, for
Mr. Mohit Garg, Advocate,
for the appellant.

Mr. S.S.Kharb, Advocate,
for respondent no.1.

ANIL KSHETARPAL, J (Oral)

On 17.03.2016, notice of motion was issued in appeal only to explore possibility of settlement. The order dated 17.03.2016 reads as under:-

“The sole submission made by counsel for the appellant is that as the house in question is the only house of the appellant, he would be rendered without roof in case the decree holder is successful in recovering possession after demolition of the house. The appellant is ready to compensate the respondent-decree holder in terms of money and he may be called upon to appear in the court to explore possibility of an amicable settlement.

Heard and perused the records.

Notice of motion only to explore possibility of an amicable settlement to respondent No.1 for 25.05.2016.

In case of failure of the parties to arrive at a settlement, the appellant shall not be entitled to be heard on merits of the case. A copy of the order be appended

along with notice to respondent no.1.”

However, parties could not arrive at any settlement.

On 13.09.2018, learned counsel for respondent no.1 made a statement that the appeal has been rendered infructuous as the construction has been demolished and the possession has been taken.

Learned counsel for the appellant has stated that let the appeal be dismissed as infructuous in view of the statement of learned counsel for respondent no.1, suffered on 13.09.2018.

In view of the statement made by learned counsel for the appellant, the regular second appeal is dismissed as infructuous.

September 19, 2018
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(ANIL KSHETARPAL)
JUDGE

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