

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.8220 of 2016 (O&M)

Date of Decision:03.09.2019

KARAMBIR AND OTHERS

...Petitioners

Versus

NARAIN DASS DEVINDRA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. A.K.Chopra, Sr. Advocate with
Mr. Ankit Midha, Advocate
for the petitioners.

DEEPAK SIBAL, J. (ORAL)

Respondents No.6 and 7 filed a suit to challenge therein General Power of Attorneys dated 10.10.1990 and 26.10.1990; sale deeds bearing Vasika Nos.1006 and 1009 dated 11.09.1991 in favour of respondent No.1 and 2-Narain Dass Davindra and Heera Salig Ram; General Power of Attorney dated 29.07.1997; sale deed dated 20.09.1997 in favour of respondent No.3; mutations Nos.860 and 861 dated 30.10.1996 and mutation No.874 dated 03.03.1998. Consequent relief of permanent injunction to restrain respondents No.1 to 5 and 8 from interfering in the petitioners' peaceful possession was also sought.

On being put to notice, when the defendants in the suit did not put in appearance, they were proceeded against *ex parte*. On the basis of *ex parte* evidence led by respondents No.6 and 7/plaintiffs, their suit was decreed on 22.07.2004.

The defendants in the suit, filed an application under Order 9

Rule 13 CPC for setting aside the aforesaid *ex parte* judgment and decree which was dismissed by the Trial Court through its order dated 19.07.2011. Such dismissal was challenged by respondents No.1 to 5/defendants by way of an appeal which was accepted by the Appellate Court through its order dated 11.08.2016 which order is under challenge in the present proceedings.

At the outset, learned counsel for the petitioners informs the Court that during the pendency of the present petition, in pursuance of the impugned order the suit filed by respondents No.6 and 7 has progressed before the Trial Court and presently the same is listed for final arguments.

In view of the above, due to efflux of time the present petition has been rendered infructuous and is disposed of such.

September 03, 2019

(DEEPAK SIBAL)
JUDGE

~~Jyoti~~ Whether speaking/reasoned Yes/No Whether Reportable Yes/No