

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

RSA-4188-2011 (O&M)

Date of decision: 23.09.2019

Shiv Charan Sharma and another

...Appellants

Versus

Leela Wati and others

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. J.S. Cooner, Advocate,
for the appellants.

Mr. N.C. Kinra, Advocate,
for the respondents.

JAISHREE THAKUR, J. (ORAL)

This is a Regular Second Appeal that has been filed seeking to challenge the judgment and decree dated 06.02.2010 passed by Civil Judge (Jr. Divn.), Ambala whereby the suit of the plaintiffs for mandatory injunction was decreed and appeal against the same was dismissed by Addl. District Judge, Ambala on 29.07.2011.

Learned counsel appearing on behalf of the appellants raises a contention that a simpliciter suit for mandatory injunction would not have been maintainable without a plea for possession as well.

At this stage, Mr. N.C. Kinra, learned counsel appearing on behalf of the respondents would contend that the instant appeal has been rendered infructuous since the possession has been handed over to him on 21.09.2015 in the execution proceedings and, therefore, no orders are called for.

Dismissed as having been rendered infructuous.

Satyawan

No.

No.