

(118) IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM No.338-C of 2019 in/and
RSA No.4406 of 2015

Date of decision: 21.01.2019

Municipal Council, Ferozepur Through its
Executive Officer

.... Appellant

Versus

Punjab and Sind Bank and others

..... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present : Mr. G.S. Attariwala, Advocate for the applicant/appellant.
Mr. Santlal Barwala, Advocate for respondent No.3.

B.S. WALIA, JUDGE (ORAL)

CM No.338-C of 2019

[1] Mr. Santlal Barwala, Advocate has put in appearance on behalf of respondent No.3 and states that he has no objection if Regular Second Appeal is restored to its original number.

[2] For the reasons as are mentioned in the application as also statement of counsel for respondent No.3, the application is allowed. Regular Second Appeal is restored to its original number.

[3] On request of learned counsel for the appellant, the appeal is taken up for hearing.

RSA No.4406 of 2015

[4] Learned counsel for respondent No.3 states that the appeal has become infructuous on account of the amount claimed by respondent No.1-

Bank from the Municipal Council, Ferozepur (appellant) having already been deposited by respondent No.2. Learned counsel contends that in the circumstances, no cause of action survives in favour of the Municipal Council, Ferozepur (appellant) to continue with the appeal.

[5] Learned counsel for the appellant has placed on record an undated communication from the Municipal Council, Ferozepur which is stated to have been received by him through e-mail on 20.01.2019 informing that the appeal be not pressed.

[6] The undated communication relied upon by the learned counsel for the appellant which is duly signed by him is taken on record. In view thereof, the appeal is disposed of as having become infructuous.

(B.S. Walia)
Judge

21.01.2019
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1. Whether speaking/reasoned: Yes/No.
2. Whether reportable : Yes/No.