

RSA-5331-2017 (O&M)

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

RSA-5331-2017 (O&M)

Date of decision : 03.04.2019

Raj Bala and another

... Appellants

Versus

Jagdeep Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Shubham Tyagi, Advocate for
Mr. Jitender K. Sehrawat, Advocate
for the appellants.

Mr. Akshay Kumar Goel, Advocate and
Ms. Neha Rana, Advocate for
Mr. Abhimanyu Singh, Advocate
for respondent No.1.

AMIT RAWAL, J. (ORAL)

This Court on 21.11.2017, while issuing notice of motion, had
passed the following order:-

*"After arguing at length and failing to convince this Court
especially in the light of the decision of Hon'ble Supreme Court
in **Guru Swamy Nadar V/s. P. Lakshmi Ammal, 2008(3) RCR
(Civil) 173** as well as the decision of this Court in **Satinder Pal
Singh V/s. Mithu Singh, 2013(3) LJR 751**, learned counsel for
the appellants stated that there are chances of amicable
settlement with respondent No. 1.*

*Notice of motion to respondent No. 1 only limited to the
aforementioned aspect of the matter for 12.12.2017.*

Dasti also. "

Learned counsel appearing on behalf of respondent No.1

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submitted that against the judgment and decree passed in a suit for specific performance of the agreement to sell, not only the sale deed has been executed, but the possession has also been taken. The appellant has received the amount.

It would be apt to reproduce the order dated 16.01.2018 passed by the Executing Court:-

"Report qua warrant of possession received. Verification from treasury office also received. A refund voucher of ₹ 35,625/- be issued in favour of DH Jagdeep Singh with a further order that this amount would be released from treasury office from the amount lying deposited vide CCD No.52 dated 27.03.2014. Counsel for DH suffered a statement to the effect that he does not want to pursue the present execution petition and withdraw the same. In view of the aforesaid statement, present execution petition is hereby dismissed as withdrawn. File be consigned to the record room after due compliance."

Keeping in view the aforementioned facts and circumstances, no cause of action survives in the present regular second appeal and the same has been rendered infructuous and disposed of, as such.

03.04.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**