

RSA No.1926 of 1990
Date of decision:05.02.2020

Jai Bhagwan and anr.

.....Petitioner

Vs.

Vir Sain and anr.

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARUN MONGA

Present: None.

ARUN MONGA, J.

1. Present regular second appeal has been preferred by the appellant/defendant having suffered concurrent findings rendered by the Courts below whereby the trial Court had decreed the suit of plaintiff/respondent vide judgement dated 06.02.1989 for possession by way of pre-emption being co-sharer in the property where plaintiffs have a superior right. Subsequently the first appeal filed by the defendants was dismissed vide judgement dated 12.04.1990. No interim order was granted in favour of the appellant at the time of admission of appeal.

2. It seems that by sheer efflux of time for more than 30 years due to pendency of present appeal relief sought by the appellant herein has been rendered infructuous, given that there is no stay order.

3. In the premise, disposed of as having been rendered infructuous, with liberty to file appropriate application if cause of action still survive.

(ARUN MONGA)
JUDGE

05.02.2020

sangeeta

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