

Parveen Kumar

.....Petitioner

Vs.

Roshan Lal and others.

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARUN MONGA

Present: Mr. H.N. Mehtani, Advocate
for the appellant.

None for the respondents.

ARUN MONGA, J.

1. The second appeal herein arises out of concurrent findings rendered by the Court below against the plaintiff-appellant whereby his suit for possession and mandatory injunction directing the respondent to remove the drain in front of his house was dismissed way back on 18.07.1989. Neither the First Appellate Court granted any stay on the operation of the judgment and decree passed by the trial Court nor this Court while admitting the second appeal granted any interim stay. Matter being taken up today for hearing. Learned counsel for the appellant submits that though he tried to contact the appellant but his endeavour has been futile.

2. Be that as it may, given the nature of relief sought by the appellant way back in 1985 it is now rendered infructuous by sheer efflux of time due to pendency of appeal for more than 30 year coupled with the fact that there is no stay on the judgment and decree dated 18.07.1989.

3. Keeping in view the nature of relief sought by the plaintiff, this Court is of the opinion that the present appeal has been rendered infructuous.

4. Disposed of as having been rendered infructuous.

(ARUN MONGA)
JUDGE

05.02.2020
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