

**Sr. No.406
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**RSA No.389 of 1990 (O&M)
Date of Decision: 19.02.2020**

Ram Lal

...Appellant

Versus

Dalip Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- None.

ARUN MONGA, J.(ORAL)

1. Having suffered the concurrent adverse findings by the Courts below, the plaintiff is before this Court in Regular Second Appeal assailing the trial Court judgment and decree dated 28.02.1987 as upheld by the learned First Appellate Court vide its judgment and decree dated 26.09.1989.

2. Suit for mandatory injunction seeking direction to the respondent/defendant to restore the demolished wall was dismissed by the trial Court on 28.02.1987. Plaintiff's appeal was dismissed by the learned First Appellate Court on 26.09.1989. Instant RSA was filed in this Court in 1990.

3. Fresh notice was issued to the parties. As per office report, appellant as well as respondent both have already expired. None has put in appearance on behalf of them. Dispossession of the appellant was stayed by this Court way back in the year, 1990.

4. By sheer pendency of the appeal for more than 29 years

before this Court it seems to have been either rendered infructuous or even otherwise the legal representatives of the appellant seem to have lost interest in pursuing the same.

5. Regular Second Appeal is, accordingly, disposed of as infructuous with liberty to the legal representatives of the appellant to file an appropriate application, in case any cause of action still survives.

19.02.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No