

Sr. No.5

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

RSA No.1179 of 1989 (O&M)

Date of Decision: 02.03.2020

Sukhdev Puri

... Appellant

Versus

Samadh Baba Mauz Puri

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. H.S.Bhardwaj, Advocate,
for the appellant.

ARUN MONGA, J.(ORAL)

Mr. H.S.Bhardwaj, Advocate appears and submits that even though he does not have 'power of attorney' but he is associated with the office of Mr. R.K.Battas, Advocate, who had filed the appeal in the year 1989 and has expired during pendency of the appeal and submits that office of Mr. Battas had sent a letter to the appellant but no response has been received thereto.

Be that as it may, this Court is of the view that by sheer efflux of time, the present appeal has been rendered infructuous. The same arises out of dismissal of a civil suit which was originally filed in the year 1981 and vide judgment dated 19.12.1986, the relief sought by the plaintiffs/respondents herein qua declaration and permanent injunction declaring him to be the 'Mahant' qua the Dera was decreed and the defendant was restrained from interfering with the management of the affairs of samadh in any manner by realizing Bataies from the tenants or by interfering into

the possession of plaintiff. The First Appellate Court reaffirmed the findings rendered by the trial Court and dismissed the appeal. This Court while admitting the appeal did not grant any stay order.

On a query posed by this Court, learned counsel for the appellant/defendant submits that he has unconfirmed information that appellant seems to have expired during pendency of the appeal.

Office report reflects that even contesting respondent No.1 has also expired during pendency of the present second appeal and now represented by LRs.

In the premise, no purpose would be served to keep the appeal pending and the same is disposed of as having been rendered infructuous with liberty to the appellant to file an appropriate application if any cause of action still survives.

02.03.2020

vandana

(ARUN MONGA)

JUDGE

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