

Sr. No.5
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

RSA No.2009 of 1989 (O&M)
Date of Decision: 05.03.2020

Ram Murti

... Appellant

Versus

Smt. Nisha Rani

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- None.

ARUN MONGA, J.(ORAL)

1. Regular second appeal was filed in the year 1989 arising out of a Civil Suit filed way back in the year 1984 for mandatory injunction restraining the defendants to remove the wall AB in front of the house of the plaintiff shown in RED in the site plan and not to interfere in future in use of courtyard and the house. Suit was decreed in favour of the plaintiff/appellant on 31.07.1987. The First Appellate Court reversed the findings returned by the trial Court.
2. While admitting the appeal, raising of further construction on the wall AB was stayed by this Court.
3. Case has been called out twice, but there is no representation on behalf of the parties.
4. It seems that by sheer pendency of the appeal for more than 31 years before this Court, either it has been rendered infructuous or even otherwise the appellant seems to have lost interest in pursuing the same.
5. Regular Second Appeal is, accordingly, disposed of as infructuous with liberty to the appellant to file an appropriate application in case, any cause of action still survives.

(ARUN MONGA)
JUDGE

05.03.2020

vandana

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No