

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

**RSA NO. 882 OF 1992 (O&M)
DATE OF DECISION : 04.03.2020**

**Ludhiana Improvement Trust and another
...Appellants
versus**

**Kamla Devi
...Respondents**

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : None for the appellants.

Mr. Satinder Khanna, Advocate for
Mr. Gurcharan Dass, Advocate,
for the respondent.

ARUN MONGA, J. (ORAL)

Having suffered adverse findings by the First Appellate Court, the defendant is before this Court in Regular Second Appeal assailing the trial Court judgment and decree dated 26.11.1991.

2. Plaintiff filed a suit for mandatory injunction directing the defendant to execute and get the sale deed registered in respect of plot bearing No. 287-B, Rajguru Nagar (129 acre Scheme), Ludhiana, being the allottee. The entire sale consideration was paid by him to the respondent. The said suit was decreed in favour of the plaintiffs vide judgment and decree dated 24.04.1989, with the rider that plaintiff would be liable to pay the enhanced amount of compensation.

3. Plaintiff assailed the judgment of trial Court and his appeal was allowed on 24.04.1989. Suit of the plaintiff was decreed in toto by removing the rider clause.

4. The instant regular second appeal was filed way back in the year 1992. No interim relief was granted by this Court while admitting the appeal on 20.10.1992.

5. Case called twice but no one has put in appearance on behalf of the appellants.

6. By sheer pendency of the appeal for more than 27 years before this Court, it seems to have been either rendered infructuous or even otherwise the appellant seems to have lost interest in pursuing the same.

7. 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

MARCH 04, 2020
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| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reportable : | Yes/No |