

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

**ESA-22-2015 (O&M)
Decided on: 06.03.2020**

Chhinder Kaur and others

.... Appellants

Versus

Chet Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the appellants.

Mr. Atul Goyal, Advocate
for the respondent.

MAHABIR SINGH SINDHU, J (ORAL)

Present execution second appeal (ESA) has been filed against the impugned orders passed by both the Courts below whereby the objections of the appellants against the execution of the decree dated 18.08.2008 were rejected.

Concededly, appellant No.1 is the wife; whereas appellants No. 2 and 3 are minor sons of the judgment debtor-Sadhu Singh and they are claiming to be the owners of the property in dispute on the basis of a registered Will dated 06.09.2005 executed by Surjit Singh (father of the judgment debtor-Sadhu Singh).

This Court on 11.02.2020 passed the following order:-

ESA-22-2015

Learned counsel for the respondent submits that the execution in which the order dated 16.12.2014 was passed, has been withdrawn and a fresh execution has been filed.

List as per roster.”

Today even on second turn, there is no appearance on behalf of the appellants. On the other hand, learned counsel for the sole respondent-decree holder reiterated that execution application which resulted into passing of impugned orders dated 29.07.2013 and 16.12.2014 by both the Courts below has already been withdrawn and a fresh execution petition has been filed, thus the present appeal has been rendered infructuous.

Since the earlier execution application, against which the objections of the appellants were rejected by both the Courts below has been withdrawn and a fresh execution has been instituted, then obviously the present appeal is rendered infructuous.

Needless to say that appellants would be at liberty to file their objection, if so advised against the fresh execution application, in accordance with law.

Ordered accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

06.03.2020
Dinesh

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No