

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

**CR-7181-2019(O&M)
Date of Decision :-3.9.2021**

Om Parkash

.....Appellant

Versus

M/s A.K. Associates and another

.....Respondents

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

Present: Ms.Dilmrig Nayani, Advocate for
Mr.Amitabh Tewari, Advocate
for the applicant/respondents.

Mr.Shailendra Sharma, Advocate
for the petitioner.

H.S.MADAAN, J. (ORAL)

Case taken up through video conferencing.

CM-5845-CII-2020

In a civil suit for grant of mandatory injunction filed by plaintiff Om Parkash against defendant M/s A.K. Associates, Hisar etc., the plaintiff being aggrieved by an interim order dated 7.11.2019 passed by the trial Court of Additional Civil Judge (Sr.Divn.), Hisar dismissing the application filed by the plaintiff for issuing direction to the defendants/respondents, had brought a revision petition before this Court

and that revision petition came up for hearing on 15.11.2019 and on that day notice of motion was issued to the respondents for 19.2.2020 and further proceedings before the trial Court were ordered to remain stayed till the next date of hearing. However, as it transpires, the suit had been dismissed vide order dated 14.11.2019, a day prior to passing of order by this Court. Now the instant application has been filed on behalf of respondents for dismissal of the revision petition for the reason of it having become infructuous on account of dismissal of the suit on 14.11.2019. It is contended that after dismissal of the suit, the plaintiff has already filed a civil appeal before District Judge, Hisar bearing No.CA-5486-2019 dated 22.11.2019. Along with the application copy of order passed by the trial Court on 14.11.2019 dismissing the civil suit and copy of case status sheet along with order passed by Additional District Judge, Hisar dated 22.11.2019 have been attached.

Learned counsel appearing for the petitioner states that in view of the submissions made in the application and documents attached with the said application, the Court may pass any appropriate order.

Thus it becomes evident that when main suit had been dismissed, the present revision petition challenging interim order passed therein cannot proceed and is to be taken as having become infructuous. Accordingly the present application so moved is accepted.

On the oral request of counsel for the parties, the main revision petition bearing CR-7181-2019 is taken on board today itself.

CR-7181-2019

In view of the above situation, the present revision stands dismissed being infructuous.

3.9.2021

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking :

Yes/No

Whether reportable :

Yes/No