

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

**RSA No.2104 of 1992 (O&M)
Date of Decision :29.11.2022**

Shakti Singh

.....Appellant

Versus

Ram Sarup (since deceased) through LR's and others

..... Respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI, JUDGE

Present : None for the parties.

ARUN PALLI, J. (Oral):

Suit filed by the appellant-plaintiff was dismissed by the trial Court, vide judgment and decree dated 15.03.1991. For, even the appeal preferred against the said decree failed and was dismissed on 22.05.1992, the appellant/plaintiff is in Regular Second Appeal.

The appeal is pending, post admission, since 20.04.1993.

The records show that the dispute is between the co-sharers. Plaintiffs had prayed for an injunction restraining defendants No.1 and 2 from taking water from the tube-well that was alleged to be owned and possessed by them. And in case it was found that the electricity motor installed in the tube-well belonged to defendants No.1 and 2, mandatory injunction be issued requiring defendants No.1 and 2 to remove the said motor.

None has caused appearance on behalf of the parties. In context of the limited issue that arises for consideration, it appears that with a flux of time the matter has lost its efficacy and is rendered infructuous. Accordingly, the appeal is disposed of as such.

However, the parties shall be at liberty, in case, any dispute, cause of action and interest still survives, to move an appropriate application for restoration of the appeal and its decision on merits.

**(ARUN PALLI)
JUDGE**

29.11.2022

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No