

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

RSA-2400-1992

Date of decision: 08.08.2022

State of Haryana

... Appellant

Versus

Dr. V.S. Dhaka and another

... Respondents

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

Present: Mr. Deepak Balyan, Addl. AG, Haryana,
for the appellant.

None for respondent No.1.

Mr. Rajinder Goyal, Advocate, for respondent No.2.

ARUN PALLI, J. (Oral)

Suit for recovery filed by the respondent-plaintiff (Khazan Singh) was decreed by the trial Court vide judgment and decree dated 24.03.1989 and as even the appeal preferred against the said decree failed and was dismissed on 07.09.1992, the State is in Regular Second Appeal.

Learned State counsel submits that as while admitting the appeal on 28.07.1993, this Court had declined to stay the execution of the decree, and now after almost three decades, in all probabilities the decree must have been executed and, therefore, nothing substantive survives in this appeal.

To this, learned counsel for respondent No.2 (plaintiff) submits that as neither the plaintiff nor anyone on his behalf has contacted his office for years, he is unable to confirm if the decree under challenge has been executed.

That being so, learned counsel for the parties submit that let the appeal be disposed of as having been rendered infructuous. However, in case any cause of action, dispute or interest still survives, they be granted liberty to move appropriate application for revival of the appeal and its decision on merit.

Ordered, accordingly.

(Arun Palli)
Judge

08.08.2022
Rajan

Whether speaking / reasoned:	YES
Whether Reportable:	NO