

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

RSA-2007-1991 (O&M)
Date of decision: 05.08.2022

Municipal Committee, Karnal

... Appellant

Versus

M/s Dewan Engineering Works

... Respondents

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

Present: Mr. Sapan Dhir, Advocate, for the appellant.

ARUN PALLI, J. (Oral)

Vide judgment and decree dated 15.09.1989, the trial Court decreed the suit filed by the respondent-plaintiff for recovery of Rs.49,590/- with future interest @ 6% per annum. The appeal preferred against the said decree failed and was dismissed on 16.08.1991. And, this is how, the appellant-defendant is in Second appeal.

The records show that on 10.10.1991, this Court while issuing notice of motion had stayed 50% of the decretal amount subject to the appellant depositing the balance 50% with the executing Court. However, the subsequent order passed by this Court on 07.01.1992 reveals that as the decretal amount had already been released to the respondent-plaintiff prior to the order dated 10.10.1991, the interim order granted by this Court was, accordingly, modified and the appeal was admitted.

That being so, nothing substantial survives in the appeal and the same appears to have rendered infructuous. Accordingly, the same is disposed of as such. However, it is made clear that in case any cause of action, dispute or interest still survives, the appellant shall be at liberty to move appropriate application for revival of the appeal and its decision on merit.

**(Arun Palli)
Judge**

05.08.2022

Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO