

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

RSA-1651-1995 (O&M)
Date of decision: 01.06.2022

Punjab & Sind Bank

... Appellant

Versus

M/s Sehgal General Store and others

... Respondents

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

Present: Mr. Ajaivir Singh, Advocate, for the appellant.
Mr. Aakash Singla, Advocate, for respondent No.4.

ARUN PALLI, J. (Oral)

The suit for recovery of Rs.52,645/- filed by the appellant-bank was dismissed by the trial Court vide judgment and decree dated 31.08.1993. For the appeal against the said decree failed and was dismissed on 23.01.1995, the appellant-bank is before this Court in Regular Second Appeal.

The matter is pending post admission since 04.01.1996.

At the outset, learned counsel for respondent No.4 invited the attention of the Court to an application, which is a part of the Lower Court Record, moved by the appellant-bank on 25.05.2009 before the trial Court:

“2. That along with the suit original title deed dt. 23.03.1965 was filed, which was later on exhibited as Ex P-12.

3. That defendant has compromised with the plaintiff / bank and the defendant has repaid the compromise amount and nothing remains to be paid by the defendant to the plaintiff / applicant bank and nothing more remain to be recovered by the plaintiff / applicant bank from the defendants.

4. That the original title deed is to returned back to the defendants who are asking for the same.

5. That the certified copy of the original title deed has been obtained and the same is attached with this application.

HENCE, it is prayed before the Hon'ble court to allow the application, order the return back the original title deed submitted by the plaintiff applicant along with the plaint, so that the original title deed may be returned to the defendant."

In response, learned counsel for the appellant pleads no instructions and submits that the appellant-bank had taken away the brief from his office long ago.

In the wake of the above, the appeal is disposed of as having been rendered infructuous. However, in the event any dispute or cause of action still survives, the appellant shall be at liberty to move an appropriate application for restoration of the appeal and decision on merit.

**(Arun Palli)
Judge**

01.06.2022
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO