

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

205

RSA-1642-2000 (O&M)

Date of Decision: 28.07.2022.

**Krishan Kumar and others
Versus**

....Appellants.

Vinay Nagpal and another

....Respondents.

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Vikas Kumar, Advocate
for the appellants.

Mr. Peeush Gagneja, Advocate
for the respondents.

Arvind Singh Sangwan, J. (Oral)

This appeal has been filed by defendants, namely, Krishan Kumar and Kundan Lal, challenging the judgment and decree dated 27.09.1995, vide which, the suit filed by plaintiff-Suresh Kumar, seeking possession by way of redemption, was decreed, as well as the judgment and decree dated 06.03.2000 passed by the Lower Appellate Court, dismissing the first appeal filed by the appellants/defendants.

Learned counsel for the appellants submits that during the pendency of the present appeal, respondent/plaintiff-Suresh Kumar has sold the shop in favour of the applicants, vide two sale deeds, which are placed on record with CM No.5147-CII-2019.

The prayer in the said application was for impleading the applicants as respondents in place of respondent/plaintiff-Suresh Kumar. The impleadment application was allowed on 22.11.2019.

Learned counsel for the appellants submits that since respondent/ plaintiff stood substituted by the present respondents, the effect of the sale deeds is that the judgments and decree passed by both the Courts below are liable to be rendered infructuous.

In view of the changed circumstances, this appeal is disposed of by holding that the impugned judgments and decree passed by the trial Court as well as the Lower Appellate Court in the suit for possession by way of redemption, filed by original plaintiff-Suresh, have rendered infructuous.

Ordered accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

28.07.2022

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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No