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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-117-2017 (O&M)

Date of Decision: 22.11.2022

Sunaina Sharma

.. Appellant

Vs.

Shyam Lal

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: None for the appellant.

Mr. G.S. Sandhu, Advocate for the respondent.

...

Manoj Bajaj, J. (Oral)

Appellant (defendant) has filed this regular second appeal to challenge the judgment and decree dated 01.08.2016 passed in Civil Appeal No.231/2015 by District Judge, Panchkula, whereby her appeal against the judgment and decree dated 30.05.2015 passed in Civil Suit No.685 of 2013 passed by the Addl. Civil Judge (Sr. Divn.), Kalka, decreeing the suit for possession, recovery and permanent injunction, was dismissed.

On 27.02.2017, this Court had passed the following order only to the limited extent of granting some time to the appellant to vacate the premises:

“CM-2127-C-2017:

The application is allowed. The date of hearing of the main case is preponed for today and the same is taken on Board.

RSA-117-2017:

After arguing for some time, learned counsel for the appellant states that if the appellant is granted 6 months' time to vacate the premises in question, he will vacate the same. He further states that the appellant shall clear the entire outstanding dues before the next date of hearing and he shall furnish an affidavit to the aforesaid effect.

*Notice of motion for 16.3.2017.
Dasti only.
In the meanwhile, the executing Court is directed
to adjourn the case beyond the date fixed.”*

Learned counsel for the respondent (decree holder) submits that since the order dated 27.02.2017 was not complied with by the appellant, this Court had vacated the interim stay on 22.10.2018 and pursuant to it, the execution petition stands finally decided in favour of the decree holder, as the impugned judgment and decree stands satisfied. According to him, the judgment debtor had contested the execution.

In view of the above, nothing survives for adjudication in this regular second appeal.

Dismissed.

22.11.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No