

[373] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1934-1992

Date of Decision :16.02.2023

Suraj Parkash

...Appellant

versus

Brij Mohan and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : None.

B.S. Walia, J. (Oral)

[1] Instant Regular Second Appeal has been filed by the appellant-plaintiff against judgment and decree dated 17.04.1992 in Civil Appeal No.4/13 of 1991 in case titled as '**Brij Mohan and others**versus**Suraj Parkash**', setting aside the judgment and decree passed by the learned Addl. Senior Sub Judge, Faridabad dated 27.11.1990 whereby, suit filed by the appellant-plaintiff for declaration that he was exclusive owner of the house in question besides decree passed in Civil Suit No.231 captioned '*Brij Mohan and others versus Tilak Raj*' dated 14.05.1984 was illegal, void, *ab-initio* and not binding on the rights of the plaintiff as also for a decree for mandatory injunction was decided in favour of the appellant-plaintiff while directing the defendants to vacate the property in dispute and deliver the vacant possession thereof to the appellant-plaintiff.

[2] However, as has been noticed above, the learned Addl. District Judge, Faridabad, accepted the appeal filed by the respondents-defendants and set aside the judgment and decree passed by the learned Addl. Senior Sub Judge, Faridabad dated 27.11.1990 in Civil Suit

[3] Despite the case having been shown regularly for 07 days

RSA-1934-1992 -2-

in the cause list to be taken up for hearing at 3.00 PM on 16.02.2023, none has put in appearance on behalf of the appellant.

[4] *Dismissed for non prosecution.*

(B.S. Walia)
Judge

16.02.2023
'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>