

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

**RSA-1391-2019 (O&M)
Date of decision:26.04.2023**

HIRA LAL GHAI THROUGH LR ...Appellant
VS
GURDEV SINGH AND ORS ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the appellant.

Mr.Tejinder Pal Singh, Advocate,
For respondent No.1.

ARUN MONGA, J. (ORAL)

Having suffered concurrent adverse findings by the two Courts below, the plaintiff is in second appeal before this Court assailing the trial Court judgment and decree dated 24.10.2017, as upheld by the learned First Appellate Court vide its judgment and decree dated 13.02.2019 dismissing the suit filed by appellant/plaintiff for permanent injunction and allowing the counter-claim filed by respondent No.1 Gurdev Singh thereby directing the original appellant-Hira Lal Ghai to handover vacant possession of ground floor of the building to respondent No.1 within three months from the date of order.

It transpires that during pendency of the appeal before this Court, the decree under challenge qua which execution was filed since been partly satisfied. The decree holder/respondents have withdrawn the execution proceedings with liberty to recover the licence money from the judgment debtor/appellant by instituting fresh process, as is borne out from

the order dated 30.04.2022 passed by learned Executing Court, which is reproduced herein below:-

“Warrant of attachment has been received back duly served. Learned counsel for the DH has suffered the statement that the DH has received the possession by the process of the Court. He withdraws the execution reserving the right of the DH to the recovery of license money from the JD by instituting fresh process, as per law. Accordingly, the execution application is disposed off being partly satisfied, with the liberty aforesaid. File be consigned to the record room.”

In view of the above, nothing survives for adjudication before this Court.

Disposed of accordingly.

(ARUN MONGA)
JUDGE

26.04.2023
vandana

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No