

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

207

RSA-3275-1996 (O&M)

Date of order: 11.12.2023

Raj Kishan & Others

.....Appellant(s)

Vs.

Bhagwan Sarup

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None for the appellants.

Mr. Abhishek Goel, Advocate for
Mr. Pritam Singh Saini, Advocate
for the respondent.

Nidhi Gupta, J.

This is a second appeal filed by the defendants/appellants against judgment and decree dated 29.10.1996 of the lower Appellate Court whereby the appeal filed by the defendants/appellants against judgment of learned trial Court dated 09.09.1994 wherein the suit for permanent injunction filed by the respondent/plaintiff was decreed in his favour, was dismissed.

On the last date of hearing i.e. 02.12.2023, following order was passed:-

"The matter has come up for hearing after the year 1997.

Learned counsel appearing for the appellant submits that since this is an old appeal, he is unable to establish contact with his client.

Learned counsel for the plaintiff-respondent submits that the suit filed by the plaintiff-respondent for permanent injunction was decreed by way of concurrent findings recorded by both the Courts below as per which defendants No. 2 and 3/appellants No. 2 and 3 herein, were directed to demolish the construction raised by them on the

demised land within two months from the date of passing of decree i.e. 09.09.1994; and further restrained them from raising any further constructions till the land is partitioned, in accordance with law. Learned counsel for the plaintiff-respondent on instructions further informs that pursuant to the aforesaid decree passed by both the Courts below, the suit land stands partitioned between the parties, therefore, the present second appeal has been rendered infructuous.

Learned counsel for the appellants prays for time to update his instructions in this regard.

Adjourned to 11.12.2023.”

Learned counsel for the respondent on instructions reiterates the aforesaid submissions made on the last date of hearing that the present appeal has been rendered infructuous as the decree under challenge has been executed and the suit land has been duly partitioned.

Even in the second round, there is no representation on behalf of the appellants. Accordingly, in view of the aforesaid submissions made by learned counsel for the plaintiff/respondent, which have not been disputed, present appeal is disposed of as having been rendered infructuous. Even so, if anything survives in the matter, the appellants/defendants may revive the same by filing appropriate application in this regard within one month from today, if so advised.

Pending application(s) if any also stand(s) disposed of.

11.12.2023
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No