

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

**CM-13214-C-2019 in/and
RSA-4646-2019 (O&M)
Date of decision: 10.05.2023**

JAI RAM

...Appellant

VS

USHA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Vinod Kumar, Advocate for
Mr. Rajesh Lamba, Advocate,
For the appellant.

Mr. Tanmoy Gupta, Advocate,
For respondent No.1.

Mr. Ashish Jhamb, Advocate for
Mr. Vineet Chaudhary, Advocate,s
For respondent No.3.

ARUN MONGA, J. (ORAL)

Having suffered concurrent adverse findings by the two Courts below, appellant/defendant No.3 is in second appeal before this Court assailing learned trial Court judgment and decree dated 23.02.2015, as upheld by learned First Appellate Court vide its judgment and decree dated 05.05.2017, decreeing suit of respondent No.1/plaintiff for declaration, possession and Permanent injunction as a consequential relief thereof by holding that impugned sale deed dated 31.05.2006 made by defendant No.3/appellant in favour of defendants No.1 and 2 regarding land measuring 16 Kanals detailed in para 2 of the plaint is illegal null and void and is not binding upon the rights of plaintiff and is liable to be set aside. Plaintiff was

also held entitled to a decree of permanent injunction as well against defendant No.1 and 2 who were restrained further from alienating suit property, from raising construction or from creating any charge on it. Defendants No.1 and 2 were further held liable to return the possession of suit property to defendant No.3/ appellant herein.

2. Learned counsel for respondent No.1, at the outset, submits that appellant has died during pendency of the proceedings and respondent No.1 alone is his nearest heir being the only daughter, as her mother had predeceased and proceedings stand abated and instant appeal is rendered infructuous.

3. Disposed of accordingly.

4. Pending application, if any, including condonation of delay shall also stand disposed of.

(ARUN MONGA)
JUDGE

10.05.2023
vandana

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No