

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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RSA-1843-1993(O&M)
Decided on :21.03.2024

Devender Kumar and others

. . . Appellants

Versus

Ram Sarup and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Dr. Sukant Gupta, Advocate
for the appellants.

None for the respondents.

VIKAS BAHL, J.(ORAL)

1. The suit filed by the plaintiffs for mandatory injunction was partly allowed and the defendants were directed to restore the *jaal* on the roof of the first floor to its previous position by removing the bricks and cement mortar with which a portion of *jaal* has been covered and not to obstruct the passage of light and air through *jaal* to the shops occupied by the plaintiffs vide judgment and decree dated 26.11.1990.

2. Two appeals were filed against the said judgment and decree and the appeal filed by the defendants was dismissed whereas the appeal filed by the appellants was accepted and a further direction was given that the wall shown in yellow color alongwith door be pulled down.

3. Learned counsel for the appellants has submitted that inspite of the best efforts, he has not been able to get in touch with the appellants

and is not aware as to whether any cause of action survives or not and hence, he prays that the present appeal may be disposed of at this stage but liberty may be granted to the appellants to revive the appeal in case any cause of action survives.

4. In view of the above facts and circumstances, present appeal is disposed of at this stage with liberty to the appellants to move an application for revival of the present case, in case, any cause of action survives in the same.

5. Registry is directed to send the copy of the present order passed to the parties at the addresses given in the memo of parties.

(VIKAS BAHL)
JUDGE

21.03.2024
Mehak

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