



RSA-2161-1993

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

RSA-2161-1993

Date of decision : 14.11.2024

Municipality, Goniana Mandi, District Bathinda.

... Appellant

Versus

Atma Singh

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sandeep Khunger, Advocate for the appellant.

VIKAS BAHL, J.(ORAL)

1. In the present case, the respondent-plaintiff had filed a suit for permanent injunction and the trial Court vide judgment dated 17.05.1991 had dismissed the said suit. The Appellate Court vide judgment dated 11.05.1993 had allowed the appeal filed by the respondent-plaintiff and decreed the suit of the plaintiff and had granted the following relief:-

“11) As a result, the appeal succeeds and the suit of the plaintiff is decreed to the extent that they will not demolish the wall of the plaintiff/appellant shown in red ink and points D to D1 in the site plan attached with the plaint. In the peculiar circumstances of the case, parties are left to bear their own costs. Decree sheet be prepared. Appeal records be consigned while record of the trial court be sent back forthwith. Pronounced.

*Dated: 11.5.93**Sd/-**(M.I.Malhotra)**Addl.District Judge, Bathinda.”*



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A perusal of the paper book would show that the matter was admitted on 16.11.1993 and no interim order was passed in favour of the appellant and the possession as was there in 1993 has continued till date. In the said circumstances, it is apparent that nothing would survive in the present appeal.

2. Learned counsel for the appellant has submitted that in view of the same, the present present appeal be disposed of as having been rendered infructuous, at this stage, but liberty be granted to the appellant to revive the case, if any, cause survives.

3. In view of the above, the present appeal is disposed of as having been rendered infructuous, at this stage . However, liberty is granted to the appellant to revive the case, if any, cause survives.

(VIKAS BAHL)
JUDGE

November 14, 2024.
Davinder Kumar

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