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

RSA-348-1993 (O&M)
Date of decision: 03.05.2024

Gajinder Singh and another

...Appellants

Versus

Jagdish Kaur and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Vivek Singla, Advocate for the appellants.

VIKAS BAHL, J. (ORAL)

1. This is the defendant's appeal against the concurrent findings of fact. The suit for permanent injunction was filed by the plaintiff-respondent No.1 restraining the defendants/present appellants from making any construction or making any alteration or cutting or removing any tree or from installing a tubewell or any machinery in the land in question. The trial Court after considering the evidence on record had decreed the said suit and had restrained the defendants/appellants from raising any sort of construction on the suit land and also from cutting and removing the trees standing on the disputed land vide its judgment dated 19.10.1989. An appeal filed by the present appellants was dismissed by the District Judge, Hoshiarpur vide judgment dated 22.10.1992 and the findings of fact given by the trial Court were reaffirmed.

2. A perusal of the zimni orders would show that there is no interim order passed in favour of the present appellants.

3. Learned counsel for the appellants has submitted that in spite of his best efforts, he has not been able to get in touch with the appellants in order to ascertain as to whether any cause survives in the present case or not and in all probability, the matter has been rendered infructuous and the same may kindly be disposed of as such with liberty to the appellants to revive the same in case any cause survives to them.

4. A perusal of service report would show that notice was issued to the parties and it was reported that appellant Nos.1 and 2 are not residing at the given address and also respondent No.1 was not residing at the given address.

5. In view of the above, the present Regular Second Appeal is disposed of as having been rendered infructuous with liberty to the appellants to revive the case in case any cause survives to them.

6. Registry is directed to send a copy of this order to the parties at the address given in the memo of parties.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

03.05.2024

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No