

2024:PHHC:044863

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

124 (1)

RSA-763-1993

Decided on :03.04.2024

Nihali

. . . Appellant

Versus

Dilbag singh and another

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: None for the appellant.

Mr. Alok Mittal, Advocate
for the respondents.

VIKAS BAHL, J.(ORAL)

1. This is defendant's appeal.
2. The plaintiffs had filed a suit for permanent injunction restraining the defendant from creating any obstruction in the suit land which as per their case is stated to be a path (Rasta) shown by letters 'ABCD' in red ink in the site plan attached with the plaint.
3. The trial Court vide judgment dated 28.07.1990, decreed the said suit and restrained the defendants from creating any obstacle or encroachment or raising any construction in the site in dispute shown by letters 'ABCD' in the red ink in the site plan attached with the plaint. The defendant filed an appeal and vide judgment and decree dated 09.02.1993, the same has been dismissed. The present appeal was ordered to be heard

alongwith RSA-762-1993. No stay has been granted in favour of the defendant.

4. None has appeared on behalf of the appellant.
5. Learned counsel appearing for the respondents has submitted that in all probability, nothing survives in the present appeal.
6. Keeping in view the above facts and circumstances, the present appeal is dismissed for non-prosecution. Liberty is granted to the appellant to revive the present appeal, in case, any cause of action survives.
7. Registry is directed to send the copy of the present order to the appellant at the addresses mentioned in the memo of parties.

(VIKAS BAHL)
JUDGE

03.04.2024
Mehak

Whether reasoned/speaking?
Whether reportable?

Yes/~~No~~
~~Yes~~/No