

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

(137)

**2024:PHHC:030370
RSA-1693-1989(O&M)
Date of Decision: 04.03.2024**

Surinder Pal

--Appellant

Versus

Brij Lal

--Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL.

Present:- Mr. Ankush Singla, Advocate with
Mr. Aakash Singla, Advocate for the appellant.

VIKAS BAHL.J (Oral)

1. This appeal has been filed by the plaintiff, whose suit for recovery of Rs.30,800/- i.e. Rs.20,000/- as principal and Rs.10,800/- as interest thereon, was decreed by the Senior Sub Judge, Nabha but on appeal filed by the defendant learned Additional District Judge, Patiala reversed the same and dismissed the suit of the plaintiff. On 29.8.1989, the operation of the judgement of the Appellate Court was stayed by a Coordinate Bench of this Court.

2. On a specific query put by this Court as to whether the judgement of the Trial Court decreeing the suit has been executed by the plaintiff in view of the said stay, learned counsel for the appellant has fairly submitted that although he is prepared in the matter but inspite of his best efforts, he has not been able to get instructions with respect to the latest position in the present case.

3. There is no representation on behalf of the respondent. The fact that the decree in favour of the plaintiff could not have been executed, has not been disputed.

4. Learned counsel for the appellant has submitted that in the aforesaid facts and circumstances, the present appeal may be disposed as infructuous but liberty may be granted to revive the same after getting latest instructions from the appellant and he may be permitted to argue the appeal on merits in case any cause of action survives with the appellant.

5. In view of the above facts and circumstances, present appeal is disposed of as having been rendered infructuous with liberty to the appellant to move an application for revival of the present appeal in case any cause of action survives in the same.

(VIKAS BAHL)
JUDGE

04.03.2024

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No