

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

114

RSA-2207-1989
Decided on :20.04.2024

Municipal Corporation, Ludhiana

. . . Appellant

Versus

Hardip Singh and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Harsh Aggarwal, Advocate
for the appellant.

Mr. J. S. Bhatia, Advocate
for respondent No. 5.

VIKAS BAHL, J.(ORAL)

1. Learned counsel for respondent No. 5 has submitted that the present appeal has been rendered infructuous as the plaintiff, who was in possession of the suit property, as per his instructions, has vacated the said suit property and a new lease deed has been executed in favour of a third party.

2. Learned counsel for the appellant has submitted that in view of the above fact, the present appeal be disposed of but the only concern of the appellant is that the issue of title between Punjab Waqf Board and the Municipal Corporation be kept open.

3. Learned counsel for respondent No. 5 has pointed out that before the trial court, two specific issues i.e. Issue Nos. 3 and 8 were framed, which are reproduced hereinbelow:-

“3. Whether the suit in dispute belongs to Punjab
Wakaf Board? OPP

xxx--xxx--xxx

8. Whether the site in dispute vests in the Municipal
Corporation? OPD”

4. It is pointed out that in paragraph 11 and 12 of the judgment of the trial Court, it has specifically been observed by the trial Court that the dispute regarding question of title between Punjab Waqf Board and the Municipal Corporation is kept open. It is further pointed out that the appellate Court has not reversed the finding of the trial Court on the said issues i.e. Nos.3 and 8.

5. Learned counsel for the appellant has submitted that in view of the same, present appeal be disposed of as having been rendered infructuous but liberty may be granted to the appellant to revive the appeal, in case, any cause is still left for adjudication.

6. In view of the above facts and circumstances, present petition is disposed of as having been rendered infructuous with the aforesaid liberty.

(VIKAS BAHL)
JUDGE

20.04.2024
Mehak

Whether reasoned/speaking?
Whether reportable?

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