

129 **RA-RS-11-C-1992 in RSA-2167-1991**

JOGINDER PAL SINGH & OTHERS

V/S
RESHAM SINGH AND OTHERS

Present :- Mr. Kanwaljit Singh, Senior Advocate with
 Ms. Navyuggeat Brar, Advocate
 for the applicants.

The Regular Second Appeal had been preferred against the judgment and decree dated 01.03.1989 passed in Civil Suit No. 183 of 24.03.1987 whereby the suit for permanent injunction restraining the respondents from demolishing the water channel in any manner whatsoever was dismissed and the consequential Civil Appeal No. 218-T/91 dated 30.03.1989 was also dismissed vide judgment and decree dated 23.09.1991.

The regular second appeal was dismissed by this Court vide order dated 04.03.1992, however, a review application was filed thereafter in which notice was issued on 17.07.1992. The review was thereafter admitted vide order dated 15.10.1992 and no stay was granted

Learned Senior counsel appearing on behalf of the appellant fairly concedes that the proceedings emanated on account of the rival claims being raised to a water channel. No stays had been granted at the time of admission of the review application and as such, the cause of action may not wholly survive. He contends that he is no more in contact with the appellants and no instructions are forthcoming as regards the current status of the water channel despite registered letters having been sent.

In view of the above, the present review application is dismissed for want of prosecution with liberty to the appellants to seek revival of the instant review in the event any cause of action still subsists.

MARCH 11, 2024
Vishal sharma

(VINOD S. BHARDWAJ)
JUDGE