

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

RSA-1020-1996 (O&M)

Date of Decision: 18.01.2024

Mukhtiar Singh and another

.... Appellants

Versus

Gurdip Singh

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the appellants.

Mr. B.S. Sidhu, Senior Advocate with
Mr. Jashandeep Sidhu and Mr. G.S. Brar, Advocates
for the respondent.

NIDHI GUPTA, J. (ORAL)

After remaining unsuccessful before both the Courts below, the defendant/appellants herein, have filed the instant Regular Second Appeal, against the judgment and decree of Ist Appellate Court dated 02.04.1996, affirming the judgment and decree of the trial Court dated 24.09.1992, whereby the 'suit for permanent injunction' filed by the plaintiff/respondent was decreed.

On 21.11.2023, when this case was listed for hearing before this Court, following order has been passed:-

"Learned counsel appearing for the respondent submits that present matter has been rendered infructuous as the parties have moved from the disputed land/building and therefore, nothing survives in the present case.

As per office report dated 17.11.2023, learned counsel for the appellant has informed that he has left the practice.

In view of the above and in the interest of justice, let actual date of hearing notices be issued to the appellants for 18.01.2024. Registry shall also make an effort through the Sarpanch of the concerned village as well as SHO of the concerned area to effect service upon the appellants and, so that effective steps can be taken to dispose of the matter.”

Pursuant thereto, as per office report dated 15.01.2024, notice issued to appellant No. 1 has been received back duly served; whereas notice issued to appellant No. 2 has been received back with the report ‘died’. However, none has put in appearance on behalf of appellant No. 1. Thus, it appears that appellants are not interested in pursuing the instant second appeal.

Accordingly, in view of submission made on the last date of hearing by learned Senior Counsel for the sole respondent and reiterated today, to the effect that the present appeal has been rendered infructuous as the parties have moved from the disputed place of residences and, therefore, nothing survives in the present appeal; the instant Regular Second Appeal is disposed of as having been rendered infructuous.

18.01.2024

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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No