



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

FAO No.3160 of 2001 (O&M)
Date of Decision: 28.05.2024

Atma Singh & another
...Appellants
Versus
Jail Singh & others
...Respondents

CORAM: HON’BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- *Appellant No.1-Atma Singh reported to have died.*

Mr. Madan Lal Saini, Advocate,
for appellant No.2.

Mr. Ram Kumar Chauhan, Advocate,
for respondent No.1.

Mr. Abhishek Sharma, Advocate appearing for
Mr. Vishal Gupta, Advocate,
for respondents No.2 & 3.

Mr. Manmeet Singh Teji, AAG, Punjab.

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MEENAKSHI I. MEHTA, J. (ORAL)

Feeling aggrieved by the order as passed by learned Additional Sessions Judge, Ropar on 04.09.2001 in *Miscellaneous Application No.58 of 1996* titled as ‘*Jail Singh etc vs. Atma Singh & anr*’, filed by the respondents (arrayed as the Applicants in the Application) under Order 39 Rule 2-A CPC, whereby the appellants (sued as the Respondents in the Application) were held liable for the disobedience of the order passed by the above-said Court on 03.12.1991 and had, therefore, been ordered to be sent to Civil Imprisonment for a period of three months, they (appellants) had chosen to prefer the instant appeal to lay challenge to the same.



2. The fresh Power of Attorney, filed on behalf of respondent No.1 in the Court today, has been taken on the record.

3. It is worth-while to mention here that learned counsel for the appellants had informed the Court on the previous date, i.e 14.05.2024, that appellant No.1-Atma Singh had, unfortunately, passed away but he did not want to move any application for bringing the legal representatives (LRs) of the afore-named appellant on the record, in the present appeal.

4. Learned State counsel has filed the report in compliance of the order passed by this Court on 14.05.2024, wherein respondents No.2 and 3 are reported to have died. However, learned counsel appearing for respondents No.2 & 3, as per the instructions from the arguing counsel, informs the Court that none had ever approached him (the arguing counsel) for moving the application for impleading the LR(s) of the above-said respondents.

5. Learned counsel for respondent No.1 submits that his client and appellant No.2 are having cordial relations and they do not nurture any grudge against each other anymore and hence, respondent No.1 does not want to press for the execution of the sentence as awarded to appellant No.2, vide the impugned order and he has no objection in allowing the instant appeal.

6. Learned counsel for appellant No.2 also acknowledges the fact that now, no dispute survives between his client and respondent No.1.

7. Keeping in view the above-discussed facts and circumstances, the appeal in hand is, hereby, allowed and resultantly, the impugned order is set-aside and the afore-mentioned Miscellaneous Application, as moved by the respondents against the appellants under Order 39 Rule 2-A CPC, stands dismissed accordingly.

May 28, 2024
seema

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: No