

2024:PHHC:055919

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

208

RSA-2803-1996 (O&M)
Date of decision : 24.04.2024

Kamal Puri and Others	Versus	... Appellant(s)
Heera Nand Puri and Another		...Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.S. Bains, Senior Advocate with
Mr. Mohan Singh Chauhan, Advocate for the appellants.

Mr. Sumeet Mahajan, Senior Advocate with
Ms. Rabani Attri, Advocate and
Mr. Shrey Sachdeva, Advocate for respondent No.1.

ALKA SARIN, J. (ORAL)

1. Learned Senior counsel appearing on behalf of the parties are *ad idem* that the cause of action in the present case does not survive inasmuch as the plaintiff-appellant No.1 as well as defendant-respondent No.1 have since died and new Mahants were already appointed by the parties and that now they would resolve their disputes *inter se* before the Bhekh or before the Courts as the case may be.
2. Learned Senior counsel for the appellants would contend that there is a finding by the Trial Court under issue No.6 in the last three lines of para no.38 of the impugned judgment as regards creating charge on the property of Samadh and hence the same be clarified.
3. The judgment of the Trial court was set aside by the First Appellate Court *in toto* and as such all questions would remain open to be decided in appropriate proceedings.
4. In view of the above, nothing survives in the present appeal and the same stands disposed off accordingly.

24.04.2024
Ankur

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO