



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

205

RSA-1772-1999 (O&M)
Date of Decision: 28.10.2024

Central Bank of India and another
Versus
Ganesh Dass and others

...Appellants
...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Banni Thomas, Advocate, with
Mr. Naren Pratap Singh, Advocate, for the appellants.

VIKAS SURI, J. (ORAL)

1. This Regular Second Appeal has been preferred by the appellant-bank impugning the judgment and decree dated 24.10.1994, in a suit for possession by way of ejectment, whereby a decree for possession of of the building in dispute was passed in favour of the plaintiffs and against the defendant/appellants; and also judgment and decree dated 22.04.1999 whereby the appeal filed thereagainst was dismissed returning concurrent findings. The defendant-bank is in second appeal before this Court.
2. At the very outset, learned counsel for the appellants submits that during the pendency of the present appeal, the appellant-bank has vacated the premises in question and a fresh lease deed dated 11.03.2011 effective from 27.11.2010 for a period of five years has been executed by Ashok Kumar, one of the plaintiffs in the present suit and Mr. Kunal Malhotra. Respondent No.1-Ganesh Dass is reported to have since died. It is further submitted that in view of the above, the present appeal has been



rendered infructuous and the said fact was brought to the notice of the Daily Pre-Lok Adalat, which recorded the following proceedings on 14.12.2012:-

“Learned counsel for the appellants has placed on record copy of the registered lease deed dated 11.03.2011 effective from 27.11.2010 for a period of five years. The lease deed has been executed by Ashok Kumar, one of the plaintiffs and Sh. Kunal Malhotra S/o Sh. Ashok Malhotra as during the pendency of this appeal, Ganesh Dass had died. Counsel thus submits that this appeal has been rendered infructuous on account of execution of the fresh rent deed between the parties which is valid for a period of five years up to 27.11.2015.

Learned counsel for the respondents has chosen not to put in appearance. This appeal, thus, cannot be disposed of in the Pre-Lok Adalat.

In view of above, this appeal may be listed before an Hon'ble Judge for final disposal as the same has been rendered infructuous after seeking orders from Hon'ble the Chief Justice.”

3. In the light of the above, learned counsel for the appellants states that the present appeal has been rendered infructuous and same be disposed of as such.
4. Disposed of as having been rendered infructuous.

October 28, 2024
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No