



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

(202)

RSA-1246-2015 (O&M)

Date of Decision:-**06.11.2024**

RAGHUBIR SINGH AND ANR.

... Appellants

Versus

GURBAKSH SINGH CHAUDHARY

... Respondent

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CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present:- Ms. Garima Gupta, Advocate for
Mr. D.K.Gupta, Advocate
for the appellants.

None for the respondent.

ALOK JAIN, J. (Oral)

1. Learned counsel appearing on behalf of the appellants has fairly submitted that there is no contact with the appellants and all the efforts made to gather the information with regard to legal representative (LR) of respondent who has since expired, has also not bearing result. Counsel for the appellants assisted this Court and submitted that the suit filed by the appellants for permanent injunction restraining defendants from interfering in any manner in peaceful possession of the plaintiff and from encroaching upon any part of the land bearing Khewat No.670, Khatoni No.855, Khasra Nos.2R/32/2 (0-18) and 2R/33 (1-15), the said suit was decreed by returning the positive finding in favour of



the appellant-petitioner. However, the 1st Appellate Court in an appeal filed by the respondents modified the judgment in the following terms:-

“Hence the present appeal is partly allowed. Such judgment and decree passed by the learned Trial Court restraining the defendant shall be only to the extent of 54 feet front and the remaining 6 feet front shall be considered to be a part of rasta leading from southern to northern side in between the houses of the parties so as to make it 13 feet wide i.e. 7 feet from the property of the defendant and 6 feet from the property of the plaintiffs. So with such modification in the impugned judgment and decree the present appeal is partly allowed with costs.”

- 2. Aggrieved with the above, the plaintiffs-appellants have filed present appeal. However, since the appellants are not pursuing the matter, the same is hereby dismissed for non-prosecution, at this stage, with liberty to the appellants to revive the present appeal within six months in case any cogent cause of action survives.
- 3. Since the main case has been decided, pending miscellaneous application(s), if any, are also disposed of accordingly.

06.11.2024
Gaurav Sorot

(ALOK JAIN)
JUDGE

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