

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119 CM-3472-C-2024 in/and
RSA-2686-2022 (O&M)
Date of decision: 10.04.2024

Rakesh Kumar and others ...Appellants

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Rishabh Rajesh Wadhera, Advocate for
Mr. Sumit Singh, Advocate for the appellants.

VIKAS SURI, J.

CM-3472-C-2024

This is an application under Section 151 CPC for disposing of the present regular second appeal, as having been rendered infructuous.

Notice of the application.

Mr. Bhagwat Dayal, AAG, Haryana, accepts notice on behalf of the respondent Nos.1 to 3.

Learned counsel for the applicant-appellants submits that the appellant/plaintiffs had instituted a suit for declaration and permanent injunction aggrieved by the entries in the revenue record with regard to the attachment of the suit land. The suit was dismissed vide judgment and decree dated 15.11.2018, passed by learned Addl. Civil Judge (Sr. Divn.), Jind. The appeal preferred thereagainst was also dismissed vide judgment and decree dated 19.10.2022, passed by learned

Addl. District Judge, Jind. Aggrieved by the aforesaid, the appellant/plaintiffs preferred the present regular second appeal.

Learned counsel for the applicant-appellants submits that during pendency of the instant appeal, the main dispute with the respondent-defendants has been settled by availing one time settlement (OTS) offer. In view of the same, the Excise & Taxation Officer-cum-Collector 1st Grade, Jind, vide his letter dated 13.03.2024 to the Tehsildar, Julana, has communicated the aforesaid factum as well as no objection to cancel the mutation and to release the attachment of the suit property. A copy of the said communication has been appended with the application as Annexure A-1.

Learned State counsel representing respondent Nos.1 to 3 submits that he is not in a position to immediately verify the aforesaid communication dated 13.03.2024, however, in view of the prayer made by the applicants for disposing of the appeal as infructuous, the same is not opposed.

In view of the above, the present application is allowed.

RSA-2686-2022

The Regular Second Appeal is disposed of as having been rendered infructuous.

Pending applications, if any, also stand disposed of.

April 10, 2024
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(VIKAS SURI)
JUDGE

Whether speaking/reasoned : Yes / No

Whether Reportable : Yes / No