



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

RSA-3234-1996 (O&M)

Date of Decision : 21.03.2025

M/s Aryavert Transport Corporation Rohtak & Ors

... Appellant(s)

Versus

Modi Rubber Limited & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Brijender Kaushik, Advocate for the appellants.

Mr. Saarib Aggarwal, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present regular second appeal has been filed challenging the judgment and decree dated 24.02.1994 passed by the Trial Court and the judgment and decree dated 21.08.1996 passed by the First Appellate Court.

2. On 24.02.1994 a decree was passed by the Trial Court to the following effect :

“23. In view of my findings on above issues, I am of the view that the suit of the plaintiff succeeds and, therefore, the same hereby decreed with costs and interest @ 18% P.A. from the date of institution of the suit and till realization of the amount. Suit of the plaintiff is decreed to the effect that the defendants. no.1 to 4 are liable to pay a sum of Rs.67506.56 Ps to the plaintiff, while defendants no.1 to 13 are jointly and severally liable for the payment of Rs.123077.71 ps. and defendants No.1 to 9 and defendants no. 14 to 17 are jointly and severally liable for the payment of Rs.43298.02 ps. So, the decree

*sheet be prepared accordingly. File be
consigned to record room.”*

Aggrieved by the same, an appeal was preferred which was also dismissed by the First Appellate Court vide judgment and decree dated 21.08.1996.

3. Learned counsel for the appellants has pointed out that the present appeal was admitted vide order dated 28.02.1997, however, no stay was granted. Till date, no recovery proceedings have been initiated against the appellants. It has further been pointed out that since the appellants and several other defendants were held jointly and severally liable for the payment, the recovery may have been made from the remaining respondents.

4. Learned counsel for respondent No.1 states that he has no instructions in the matter.

5. In view of the above, the present appeal is dismissed as having been rendered infructuous with liberty to revive in case anything survives in the matter. Pending applications, if any, also stand disposed off.

21.03.2025
Yogesh Sharma

**(ALKA SARIN)
JUDGE**

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