

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.1309 of 2018 (O&M)

Date of decision: 29.09.2023

Parveen Kumar

...Appellant

Vs.

Maya Devi (deceased through her Lrs.) and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. M.K. Garg, Advocate,
for the appellant.

Mr. Surinder Garg, Advocate,
for the respondents.

Ritu Bahri, J.

The appellant-defendant has come up in appeal against the judgment and decree dated 30.10.2017 passed by the Addl. District Judge, Faridkot, whereby appeal filed by him against the judgment and decree dated 24.03.2011 passed by the Additional Civil Judge (Senior Division), Faridkot, has been dismissed and plaintiff-respondent has been held entitled to recover the possession of suit property along with mesne profit.

While issuing notice of motion in this appeal on 27.03.2018, following order was passed:-

“Parveen Kumar, appellant, present in the Court today and stated that he will purchase the disputed shop at 80% cost of market value and he has been tenant since 1965.

Notice is being issued only for the purpose of mediation as there is no merit in the appeal.

Notice of motion for 01.05.2018.

Process *dasti* as well.

Status quo will be maintained till the next date of hearing.”

Heard, learned counsel for the parties.

Both the Courts below have given a concurrent finding of fact and suit of the plaintiff-respondent has been decreed on merit. During the pendency of this appeal, mediation has failed twice. Moreover, the appellant has failed to purchase the shop at 80% cost of the market value. While passing the order dated 27.03.2018, this Court had specifically observed that **there is no merit in the present appeal.**

Since no compromise has been entered into between the parties, the present appeal is dismissed. Decree sheet be drawn accordingly.

(RITU BAHRI)
JUDGE

29.09.2023

ajp

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