

Ganga Devi Vs. Bansi Lal (deceased) through LRs

RSA No.283 of 2009

14.11.2024 Present: Mr. Ajeet Pal Singh Jaswal, Advocate vice Mr. Janesh Gupta, Advocate for the appellant.

Mr. Digvijay, Advocate vice Mr. B.C. Verma, Advocate for respondents No.1(i), 1(ii), 2(a) to 2(c), 3 and 4.

None for respondent No.2(d).

Name of respondent No.5 stands deleted, vide order dated 18.5.2015.

Notices issued against respondent No.2(d), by way of publication, received back after due service. Despite service, no one has put appearance on his behalf. Being an admitted matter, list for hearing after winter vacation.

CMP No. 484 of 2009

This application has been filed under Order 41 Rule 5 CPC for staying the execution of the impugned judgment and decree.

Interestingly, in this case, the learned trial Court has decreed the suit for possession in favour of the appellant, however, on appeal, the said judgment and decree has been set aside by learned First Appellate Court, vide judgment and decree dated 22.12.2008, dismissing the suit of the plaintiff.

In such situation, the present application is not maintainable. As such the same is dismissed.

CMP No. 3477 of 2014.

Learned counsel for the appellant does not want to press the present application, at this stage. The application is accordingly disposed of, being not pressed.

**(Virender Singh)
Judge**

November 14, 2024 (ps)