

129 RSA-1484-2024 (O&M)

RAHUL PANDITA
V/S
HARPREET SINGH SIDHU AND OTHERS

Present: Mr. Akshay Bhan, Sr. Advocate with
Mr. Kshitij, Advocate and
Ms. Shruti Sharma, Advocate
for the appellant.

Mr. Gurmohan Singh Bedi, Advocate
for the caveators-respondents.

Learned Senior counsel for the appellant *inter alia* submits that appellant was not served in the trial Court and appellant never appeared in trial Court. Mr. Manoj Ashista, Advocate filed the memo of appearance on behalf of defendant Nos.1 to 3 including appellant, who was impleaded as defendant No.1. On the next date i.e. 08.04.2016, on the basis of compromise, suit against defendant Nos.2 and 3 was dismissed as withdrawn. The appearance of counsel for defendant Nos.2 and 3 is shown in the said order and appellant was proceeded against ex-parte. The suit was dismissed by the trial Court. Appeal against the said judgment and decree has been allowed.

Appeal is against finding of reversal.

Notice of motion for 21.10.2024.

Mr. Gurmohan Singh Bedi, Advocate puts in appearance on behalf of the caveator-respondent.

Counsel for the respondent submits that execution is not yet filed. The execution of decree shall be kept in abeyance till next date of hearing only.

Photocopies of the records of the Courts below be requisitioned for the date fixed.

28.05.2024

Parveen kumar

**(GURBIR SINGH)
JUDGE**