



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

235 1. RSA-3106-2012 (O&M)

Hari Kishan @ Hari Kishan Appellant

Versus

Satya Inder Sharma and another Respondents

2. RSA-2514-2012 (O&M)

Hari Krishan @ Hari Kishan Appellant(s)
(since deceased now thr. his LRs)

Versus

Municipal Council, Ambala City and Anr. Respondents

Date of Decision: 28.08.2025

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Amit Gupta, Advocate for
Mr. PL Singla, Advocate for the appellant(s) (in both cases).

Mr. Yagsimant Attri, Advocate
for the LRs of respondent No. 2 (in RSA-2514-2012) and
for respondent No. 1 (in RSA-3106-2012).

Mr. Gaurav Jindal, Advocate
for respondent No. 1-MC (in RSA-2514-2012) and
for respondent No. 2 (in RSA-3106-2012).

NIDHI GUPTA, J. (ORAL)

1. Vakalatnama filed on behalf of respondent No. 1-MC, Ambala (in RSA-2514-2012) is taken on record.

2. By this common order, 02 aforementioned second appeals are being disposed of as the facts involved therein are identical. For brevity, the facts are being extracted from RSA-3106-2012.

3. The present appeal has been filed by defendant No. 1 against the judgment and decree dated 19.03.2012 passed by the learned District



Judge, Ambala, whereby the appeal filed by the plaintiff/respondent No. 1 herein has been allowed and suit is decreed. Appellant-defendant No. 1 is directed to remove encroachment from the suit property.

4. It is informed by learned counsel for respondent No. 2/ defendant No. 2-MC, Ambala that both the aforementioned appeals have been rendered infructuous, in view of the fact that the wall in question has been demolished and the resulting debris have also been removed by the Municipal Council, Ambala, in compliance of the order dated 07.05.2018, passed by a co-ordinate Bench of this Court (in RSA-2514-2012), which reads as under:-

“In order dated 25.4.2014, it is recorded that Mr. Manendra Singh, Executive Officer, Municipal Corporation, Ambala, who was present in the Court, had submitted that unauthorized encroachments made in the street in question would be removed. Subsequently, a specific report in the shape of an affidavit dated 19.9.2017 of Mr. O.P, Sihag, Executive Officer, Municipal Corporation, Ambala was filed, wherein it has been stated that in pursuance to the undertaking, appellant-Hari Krishan @ Hari Kishan had undertaken to remove the encroachments at his own level and that the unauthorized encroachments stand removed. The said status report is accompanied by photographs showing debris of dismantled construction and bricks lying there. In view of the large number of bricks, the same would itself cause hinderance in the street. As such the Executive Officer, Municipal Corporation, Ambala is directed to do the needful for getting the same removed and submit a status report in this regard on or before the next date of hearing. To come up on 24.8.2018, for arguments.”

5. In compliance thereof, learned counsel for respondent No. 2-MC has submitted a status report dated 05.05.2025 along with a photograph to show that the site does not have any construction or any other waste. The same is taken on record.

6. In view of the above submissions of learned counsel for respondent No. 2-MC, learned counsel for the appellant(s) submits that



both the aforementioned 02 appeals bearing RSA Nos. 2514 and 3106-2012, may be disposed of.

7. Ordered accordingly.

8. Pending application(s) (in both the cases), if any, shall also stand disposed of.

9. A photocopy of this order be placed on the file of other connected case.

28.08.2025

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No