

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

RSA No. 765 of 1989 (O&M)

Date of decision : 22.7.2015

Pat Ram

.. Appellant

versus

Dooda Ram

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: None for the parties.

Rajesh Bindal, J.

This order will dispose of two appeals bearing RSA No. 414 and 765 of 1989, as both arise out of common judgment and decree.

Both the parties are before this Court against the judgment and decree of the learned Lower Appellate Court whereby that of the trial Court was partially reversed in a suit for possession by way of specific performance of agreement to sell filed by the plaintiff-Pat Ram. Though the trial Court had decreed the suit directing execution of sale-deed, however, in appeal filed by the defendant- Dooda Ram, the learned Lower Appellate Court granted the relief of refund of earnest money along with interest as damages.

On 14.1.2015, this Court passed the following order:-

“The defendant-appellant is in appeal aggrieved against the judgment and decree dated 21.12.1988, passed by learned Additional District Judge, Sirsa, whereby the appeal of the plaintiff-respondent was accepted and the judgment and decree dated 03.11.1988 for specific performance of the sale, passed by the learned trial Court, was modified to the extent that defendant was permitted to return the earnest money along with the costs within two months, failing which the decree passed by the trial Court

was to be treated as operative.

The appeal was admitted on 07.04.1989.

At the time of hearing, it is apparent that the learned Counsel who filed the present appeal has died whereas even the learned Counsel for the respondent is no longer practising.

Hence, the Registry is directed to issue fresh notices to both the appellant and the respondent for 06.05.2015.”

When the case was taken up on 15.7.2015, despite the fact that plaintiff-Pat Ram was duly served and defendant -Dooda Ram was not found to be residing at the given address, none appeared for the appellant. The case was adjourned for today.

Even today, no one has appeared for the parties.

Dismissed for non-prosecution.

22.7.2015
vs

(Rajesh Bindal)
Judge