

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Regular Second Appeal No. 2976 of 2005 (O&M)

DATE OF DECISION : January 15, 2015

Keshav Parshad

.....APPELLANT(S)

VERSUS

Naresh Kumar and others

.... RESPONDENT(S)

CORAM : HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Anil Shukla, Advocate, for the appellant.
Mr. Kamal Sharma, Advocate, for the respondents.

ARUN PALLI, J. (Oral)

On 04.12.2014, this Court had passed the following order:-

“Learned counsel for the non-applicant/appellant contends that he has made every possible endeavour to contact the appellant; namely, Keshav Parshad, but to no avail. He submits that he was able to contact a few of his relations through a trial Court counsel and he was informed that the appellant is alive and is currently residing in West Bengal. He prays for three weeks further time to ascertain the true and correct position and file the necessary affidavit.

Adjourned to 15.01.2015.”

Counsel for the appellant submits that despite strenuous efforts that have been made, neither appellant-Keshav

Parshad could be contacted nor he has contacted his counsel since the admission of the appeal on 23.08.2005. Learned counsel for the respondents, however, maintains that appellant has since died and is not even survived by any heir. Counsel for the parties are ad-idem that the appeal be dismissed as having become infructuous and, in case, any cause of action or interest still survives, appellant shall be at liberty to move the requisite application for its revival and decision on merits.

Dismissed as infructuous with liberty as prayed for.

JANUARY 15, 2015
Kang

(ARUN PALLI)
JUDGE