

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.494 of 2011 (O&M)

Date of Decision: 27.04.2015

Rajesh Kumar

... Appellant

Versus

Promila and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: None.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

No one has caused appearance for the appellant. This is insufficient reason which is neither found fair nor proper in an appeal pending motion hearing since the year 2011 in which notice to the respondents is yet to be issued and the adjournments are being sought on one ground or the other. But the precious time of this Court cannot be squandered or reduced to a farce by keeping afloat the appeal for 4 years without just cause or reasonable justification. Seeking adjournments after adjournments is not a good thing and presently by not appearing before the court which is highly improper and shows complete disrespect to the Court. The Court does not demand but expects grace and common courtesy for parties to ensure appearance of the learned counsel and to press such a prayer in dire necessity by counsel engaged, or by asking a colleague to do put in appearance when the case is called to make a request. An

adjournment has not been sought today by reason of non availability of the learned counsel for a valid cause or that he is in personal difficulty which disables him to put in appearance. No further accommodation is called for in the matter. This conduct either shows that there is nothing in the appeal or the appellant is no longer interested in pursuing the case. Four years having gone by the respondents must have settled down without fear of further litigation. It is too late to even consider disturbing the stasis. I, however, refrain from dismissing the appeal on this score alone today. But if a recall application is filed, this Court would not be precluded from dismissing the application and the main appeal at the threshold for the reasons already stated above unless extraordinary reasons exist but which do not touch upon the merits of the case. The stage of merits I think is long over to be considered. The High Court is not a conveyor belt of regular second appeals shunted from the Court room to the storehouse for listing and relisting at the asking of slumbering litigants waking up to seek unnecessary adjournments, then dozing off again as though a game of chess is being played out in Court with the players missing. Enough is enough.

Consequently, the appeal is dismissed in default of appearance and for non-prosecution of the appeal for an inordinately long period.

A copy of this order be sent by the office to the appellant for her information.

(RAJIV NARAIN RAINA)
JUDGE

27.04.2015
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