

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

**CR No.2205 of 2015 (O&M)
Decided on: 12.05.2016**

Makhan Singh (deceased) through his LRs

....Petitioners

Versus

Surat Singh

....Respondent

CORAM: HON'BLE MRS JUSTICE REKHA MITTAL

Present : Mr. Sarabjeet Singh Khaira, Advocate
for the petitioners.

Mr. P.S. Mathewal, Advocate
for the respondent.

- 1. Whether Reporters of local papers may be allowed to see the judgment?*
- 2. To be referred to the Reporters or not?*
- 3. Whether the judgment should be reported in the Digest?*

REKHA MITTAL, J.

Challenge in the present petition has been laid to the order dated 11.08.2009 passed by the Additional District Judge, Gurdaspur, dismissing the appeal titled '*Makhan Singh vs Surat Singh*' for non-prosecution.

Counsel for the petitioners would contend that the Appellate Court in place of waiting for the legal representatives of deceased – Makhan Singh to file an application for bringing them on record and to pursue the appeal, dismissed the same for non-prosecution and thus, the order impugned cannot be allowed to sustain.

I have heard counsel for the parties and perused the records.

On 11.05.2016, the order passed by the Court reads as follows:-

“Counsel for the parties prays for some time to seek instructions as to what is the status of the application for restoration of the appeal.

List on 12.05.2016.”

Counsel for the petitioner has informed the Court that the application for restoration of the appeal has been dismissed by the Additional District Judge, Gurdaspur. As the petitioner represented by his legal representatives has already availed appropriate remedy for restoration of the appeal dismissed in default, nothing survives for consideration in the present proceedings.

In view of what has been discussed hereinabove, the petition stands disposed of. However, the legal representatives of deceased – Makhan Singh would be at liberty to take recourse to appropriate proceedings to challenge the order dismissing their application for restoration of the appeal.

12.05.2016
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(REKHA MITTAL)
JUDGE