

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

RSA No.1553 of 1987 (O&M)

Date of decision: 13.12.2016

Ajmer Singh and others
versus

... Appellants

Nirmal Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: None for the appellant.

...

AMOL RATTAN SINGH, J. (Oral)

Vide order dated 26.10.2016, it had been noticed that though this is an old appeal of the year 1987, thereafter, repeatedly up till 1992, the orders passed, reflected that fresh addresses of the respondents are to be supplied, to which learned counsel for the appellants had submitted that addresses were actually supplied on 19.4.1991.

Thereafter, as per the report of the Registry, respondents no.1 and 3 stand served, though respondent no.3 by virtue of his having refused to accept the notice. Service upon respondents no.2 and 4 had already been dispensed with vide order dated 14.01.1993.

On 26.10.2016 itself, Mr. Shahpuri, learned counsel for the appellants, had also submitted that, in fact, he would file a fresh power of attorney on behalf of the appellants, because at the time of the filing of the appeal, the appellants were minors and he had filed the same through their mother and obviously, 29 years having passed, they had attained majority.

However, despite two opportunities thereafter, no fresh power of attorney

has been filed on behalf of the appellants.

On the last date of hearing, i.e. 02.12.2016, it was made clear that if a power of attorney on behalf of the appellants is not filed by the next date of hearing, i.e. by today, it would be presumed that they are no longer interested in pursuing the appeal and it would be deemed to have been dismissed in default.

Vide the aforesaid order, dated 02.12.2016, it had already been directed that a copy of that order be sent to the address of the appellants, as given in the memo of parties.

Today, as per the report of the Registry, notice was in fact issued to the appellants, returnable today, along with a copy of the order dated 02.12.2016 but it is not stated to have been received back served or otherwise.

Thus, with the case having been called on twice and none having come present for the appellants, with no power of attorney on their behalf also filed, it would seem apparent that they are no longer interested in pursuing the appeal.

Hence, it is dismissed for non-prosecution.

13.12.2016
ashwani

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No