

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.

RSA No. 457 of 1987
Date of decision: 16.12.2016

Rajinder Kumar and another

...Appellants

vs.

Suresh Chand and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Tapan Yadav, Advocate, for
Mr. Jai Vir Yadav, Advocate,
for the appellants.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to fresh notice having been issued on 16.11.2016 to the respondents, also at the address given in the memo of parties before the Special Judge First Class, Gurgaon, village Mohana, Tehsil Ballabgarh, District Faridabad, the report of the registry is that notices issued by ordinary process have been returned back unserved, still stating that it is an incomplete address. Dasti notices collected by learned counsel are stated to have been not received back so far.

Mr. Yadav submits that though he had tried to contact the appellants to ensure that the respondents are served *dasti*, the appellants themselves are not responding to his communication and have not turned up. Thus, it seems that the appellants are no longer interested in pursuing the appeal, and even though it is pending since 1987, the respondents are not shown to have been served and the appellants are not taking any interest in doing so.

Consequently, the appeal is dismissed for non-prosecution, but in view of the fact that it is an old appeal of the year 1987 and there is a possibility of even the appellants having shifted from the address as is available with their learned counsel, liberty is granted to them to have it restored.

Dismissed for non-prosecution, with the aforesaid liberty.

**(AMOL RATTAN SINGH)
JUDGE**

December 16, 2016

Sunil Devi/nitin

Whether speaking/reasoned Yes

Whether Reportable No