

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

**Regular Second Appeal No.963 of 1988 (O&M)
Date of Decision: October 24, 2016.**

Radha Devi and others

.....APPELLANT (s).

VERSUS

Jarnail Singh and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: None for the appellant (s).

Mr.Prem Nath Aggarwal, Advocate,
for the respondents.

SURINDER GUPTA, J.(Oral)

Mr.Sukant Gupta, Advocate who was sent notice to appear for the appellant states that he is not having brief as the same was taken away by the party and was intimated that the matter was being amicably settled. He further submits that the party has neither engaged him nor he has any instructions to appear or argue on their behalf.

The appeal was filed by Shri S.P.Gupta, Advocate who has since expired. Thereafter, on being listed, notice was sent to the appellants and the report was received to the effect that some of the appellants have died while summons of some of the appellants were received back with the report of service through fixation. Summons of appellant No.1(h) and 6 were received back with the report of refusal. Thereafter, on the information being supplied by the counsel for the respondents that Shri Sukant Gupta son of Shri S.P.Gupta is looking after his cases, notice was sent to him but he also has no instructions to appear in this case.

As none has appeared on behalf of the appellants despite notice and service of the appellants could not be procured, I have no other option but to dismiss the appeal for want of prosecution.

Dismissed for non-prosecution.

October 24, 2016.
Paritosh Kumar

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*