

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

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RSA NO. 576 OF 1990

Date of Decision: February 12, 2016

Asa Singh

-Appellant

Vs.

Sher Singh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: None.

RAJ MOHAN SINGH, J. (ORAL)

{1}. On 22.1.2016, following order was passed:-

“There is no representation on either side. This appeal has arisen against judgment and decree dated 5.8.1988 passed by the Additional District Judge, Gurdaspur vide which judgment and decree of the trial Court, awarding Rs.10,000/- as compensation to the plaintiff, was upheld. Since no stay was granted at the time of admission of appeal on 21.3.1990, therefore,

actual date notice be served upon the offices of learned counsel for the parties for 12.2.2016.

Appellant would satisfy this Court whether something survives in the appeal or not.”

{2}. In a suit for recovery of compensation for malicious prosecution and damages, trial Court decreed the suit of the plaintiff-respondent to the tune of Rs.10,000/- vide judgment and decree dated 31.08.1985.

{3}. Defendant remained unsuccessful in first appeal which was dismissed on 05.08.1988.

{4}. This appeal was admitted by this Court, being a money decree, no stay was granted on 21.03.1990. The appeal was filed through Mr. Daljeet Singh Walia, Advocate. On the last date, none appeared on behalf of the parties and this Court adjourned the case for today and also directed the office to intimate the enlistment of the case to the learned counsel for both the parties.

{5}. As per office report, learned counsel for the appellant was not found in the Bar Room and even his name and enrolment number are not appearing in the Bar Directory. Respondent No.2

has been served. On the last date, this Court was conscious to know as to whether something survives in the present appeal or not because no stay was granted at the time of admission of appeal on 21.03.1990. It was the responsibility of the appellant to make arrangement for arguing the case. There is no determination of authority of the lawyer on record nor any alternative arrangement has been made.

{6}. Faced with this situation, this Court has no option but to dismiss the appeal for non-prosecution.

{7}. Ordered accordingly.

{8}. However, liberty is granted to the learned counsel for the appellant to move an appropriate application within three months from today if something survives in this case according to him.

February 12, 2016
jyoti Y.

(RAJ MOHAN SINGH)
JUDGE