

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

RSA No.2190 of 2009 (O&M)

Date of Decision: 21.01.2016

Raghubir Singh and another

...Appellants

Vs.

Jagtar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: None.

Amol Rattan Singh, J (Oral)

This appeal first was filed in the year 2009 and on 27.05.2009, the lower Court record had been ordered to be requisitioned. Thereafter, on 26.08.2009, an order was passed in the presence of the counsel for the appellants, that the record had been received and the matter was adjourned to 14.10.2009. No body had put in appearance for the appellant on that day and the case was adjourned to 07.01.2010. On 07.01.2010 also, none appeared for the appellant and the case was again adjourned to 02.03.2010, on which date again no one appeared. The appeal was, therefore, dismissed for non-prosecution on 02.03.2010.

Thereafter, on 21.04.2011, presumably on an application moved for restoration of the appeal (Civil Misc. No.3655-56-C of 2011), again none appeared for the appellant. On 19.09.2011, learned counsel for the appellant appeared and sought time to file a better application and withdrew the application for restoration (Civil Misc. Nos.3655-56-C of 2011). On another application having been filed, eventually the order dated 02.03.2010 was recalled and the appeal was restored to its original number,

on 04.04.2012. After that from 17.05.2012 to 17.02.2014, i.e. on 5 dates, none appeared for the appellant and again the appeal was dismissed in default, vide order dated 17.02.2014.

Again an application (Civil Misc. Nos.8781-82-C of 2014), for recalling the order dated 17.02.2014 was moved and vide order dated 28.11.2014, the said order was also recalled and the appeal was ordered to be restored to its original number. On 24.09.2015, as per order recorded on that date, the case was called twice and none came present for the appellant and in the interest of justice, the case was adjourned to 21.01.2016, i.e. today.

Today, again it has been called twice. It is 3'O' clock now, and none appears for the appellant.

The appeal is dismissed for non-prosecution, for the 3rd time.

A copy of this order be sent to the appellants, at the address given in the memo of parties.

January 21 , 2016

vcgarg

**(AMOL RATTAN SINGH)
JUDGE**