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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-M No.100 of 2015 (O&M)

Date of Decision: 21.04.2016

MAMTA RANI

.....Appellant

Vs

RAJIV KUMAR AND ANR

....Respondent

CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Amandeep Sharma, Advocate for
Mr. P.S. Khurana, Advocate
for the appellant.

M. JEYAPPAUL, J.(Oral)

The matter came up for hearing on 23.09.2015. On that day, this Court chose to give last opportunity to the appellant to serve notice on the respondent No.1 by *dasti* process, with an ultimatum that the appeal will be dismissed for non-prosecution, if *dasti* process fee was not paid. When the matter came up for hearing on 19.10.2015 permission was granted to the counsel for the appellant to serve *dasti* process on respondent No.1 through counsel representing him in the proceedings pending before the trial Court. When the matter came up for hearing on 10.12.2016, it was noticed that counsel for the appellant did not collect *dasti* notice. He submitted that he could not contact the

appellant. On 09.02.2016 when the case was taken up for hearing, counsel for the appellant sought some time to file an application for substituted service.

Proxy counsel appearing for the appellant submits that the counsel for the appellant is unwell.

We are not inclined to accept the above submission made by the proxy counsel appearing for the appellant. The above orders passed by this Court on various dates of hearing disclose that the appellant was not at all interested to prosecute the appeal by effecting service on respondent No.1. Therefore, appeal stands dismissed for non-prosecution.

(M. JEYAPPAUL)
JUDGE

April 21, 2016
Atik

(RAJ MOHAN SINGH)
JUDGE