

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

RSA-3203 of 2011 (O&M)

Date of Decision:28.07.2017

Kiran Pal

.....Appellant

Versus

Vijay and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAMESHWAR SINGH MALIK.

Present: Mr.Jitender Sehrawat, Advocate,
for Mr.N.S.Shekhawat, Advocate,
for the appellant.

Mr.C.P.Tiwana, Advocate,
for respondent Nos.1 to 5.

Respondent Nos.6 to 13 and 15 are *ex parte*.

RAMESHWAR SINGH MALIK, J.(Oral)

When the case came up for hearing on 10.12.2015, following order was passed by this Court:-

“As reported by the Registry, address of respondent No.14 has been found to be incorrect.

Learned counsel for the appellant seeks some time to furnish the current and complete address of respondent No.14 and also request for issuance of dasti summons.

Compliance be made within 15 days and then notice to the said respondent be issued for 26.04.2016.

Dasti summons be given as desired.”

Thereafter, on 26.04.2016, when the needful was not done, another opportunity was granted by passing the following order:-

“The appellant has not furnished the correct address of

respondent No.14 despite availing sufficient opportunities.

In the interest of justice, a last opportunity is granted to the appellant to furnish the correct address of respondent No.14, subject to deposit of ₹2,000/- as costs with the Haryana State Legal Services Authority.

The needful be done within one month and then notice to respondent No.14 be issued for 07.11.2016.”

On the next date of hearing i.e. 07.11.2016, learned counsel for the appellant circulated a written request and the case was adjourned to 06.04.2017. On 06.04.2017, when the needful was not done, one last and final opportunity was granted to the learned counsel for the appellant by passing the following order, adjourning the case for today:-

“As per office reports dated 04.11.2016 and 03.04.2017, order dated 26.04.2016, passed by this Court, has not been complied with so far.

Learned proxy counsel is unable to furnish any explanation. He seeks more time.

Request has not been found to be justified. However, in the interest of justice, one last and final opportunity is granted, subject to payment of ₹10,000/- in addition to the costs imposed vide order dated 26.04.2016.

Let the appellant deposit the total costs with Haryana State Legal Services Authority before the next date of hearing.

On doing the needful by the learned counsel for the appellant, let fresh notice be issued to unserved respondents.

List on 28.07.2017.”

Similar is the position today. Neither the costs imposed vide order dated 26.04.2016 have been paid nor the costs imposed vide order dated 06.04.2017 have been paid. Abovesaid orders have not been

complied with. Learned counsel for the appellant seeks yet another adjournment, which has not been found to be justified.

In view of the above, present appeal is dismissed for non-compliance of the abovesaid orders passed by this Court and also as not pressed.

July 28, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No