

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No.5164 of 2016 (O&M)
Date of decision: 26.05.2017

Ujjagar Singh

... Appellant

Vs.

Ramesh Kumar and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Manoj Tanwar, Advocate
for the appellant.

RAMESHWAR SINGH MALIK, J. (ORAL)

When this case came up for hearing on 20.01.2017, following order was passed by this Court: -

“Learned counsel for the appellant submits that next date of hearing before the learned executing court is 18.2.2017. Learned counsel for the appellant has not raised any argument on merits of the case. However, he seeks reasonable time for the appellant to enable him either to purchase the share of his brother at market price or to hand over the vacant possession to his brother within a period of two months from today.

In this view of the matter, let the case be adjourned to 23.3.2017.

Learned executing court shall consider the feasibility of granting reasonable time to the appellant to hand over the vacant possession of the suit property to the decree holder.”

On 23.03.2017, on the request made by learned counsel for the appellant, following order was passed: -

“Learned counsel for the appellant contended that the parties are trying to settle their dispute amicably in compliance to the previous order dated 20.1.2017.

On his request, adjourned to 20.4.2017.”

Again on 20.04.2017, appellant changed his counsel and learned counsel for the appellant sought 10 days more time to settle the matter amicably, failing which he would withdraw the appeal.

When the case came up for hearing on 08.05.2017, learned counsel for the appellant sought one last and final opportunity, which was granted, adjourning the case for today.

Learned counsel for the appellant has expressed his inability to assist the Court. No reason is forthcoming for non-assistance on behalf of the appellant. In such a situation, this Court is left with no other option except to dismiss the appeal for non-compliance of the abovesaid orders as well as non-assistance on the part of the appellant.

Accordingly, the appeal is dismissed in the abovesaid terms.

[RAMESHWAR SINGH MALIK]
JUDGE

26.05.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No