

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No.4918 of 2015 (O&M)
Date of decision:08.12.2017

Suraj Mal

..... Appellant

Versus

Raj Kumar and others

..... Respondents

BEFORE: HON'BLE MR. JUSTICE B.S. WALIA.

Present: Mr. A.K. Jain, Advocate for the appellant.

B.S. Walia, J. (Oral)

1. Vide order dated 02.02.2016 while adjourning the case to 19.02.2016, the appellant was directed to place on record affidavit dated 13.09.2007 allegedly given by either the respondents/defendants or somebody at their behest, stating that the sale deed dated 09.02.2006 in favour of the appellant/plaintiff as well as mutation dated 29.03.2006 were valid and correct. Appellant was also directed to place on record the subsequent statement attributed to the respondents/defendants that the said application was moved by them by mistake and that the aforesaid two documents were exhibited in the trial Court.

2. On 19.02.2016, the case was adjourned to 21.03.2016 to enable the learned counsel for the appellant to move an application for placing on record the Jamabandies prior to 09.02.2006 showing as to in whose possession the suit land was at that point of time.

3. On 17.01.2017 time was sought by learned counsel for the appellant on account of personal difficulty whereupon the case was adjourned to 11.07.2017.

4. On 11.07.2017, while noticing that order dated 19.02.2016 had not been complied with despite having been granted three opportunities, last and final opportunity was granted to ensure strict compliance of order dated 19.02.2016 before the next date of hearing subject to payment of Rs.10,000/- as costs to be deposited with the Punjab and Haryana High Court Lawyers' Welfare Fund Committee.

5. Today also order dated 19.02.2016 or for that matter order dated 02.02.2016 has not been complied with till date, nor have costs been deposited by the appellant with the Punjab and Haryana High Court Lawyers' Welfare Fund Committee. This Court on 11.07.2017 had granted last and final opportunity while taking into account that the appeal was liable to be dismissed for non-compliance of order dated 19.02.2016 yet in the interest of justice, one last and final opportunity was granted. Despite number of opportunities having been granted, needful has not been done.

6. In the circumstances, it is apparent that the appellant is not interested in prosecuting the appeal. Accordingly, the same is dismissed for non-prosecution.

(B.S. Walia)
Judge

08.12.2017
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Note:

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| 1. Whether the order is speaking/reasoned | : | Yes. |
| 2. Whether the order is reportable | : | No. |