

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

227

RSA-5013-2014(O&M)

Date of Decision:18.04.2017

Raj Kumar Bakshi

.....Appellant

Versus

Smt.Kanta Aggarwal

.....Respondent

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

Present: Ms.Sarika Gupta, Advocate,
for the appellant.

Mr.K.S.Cheema, Advocate,
for the respondent.

RAMESHWAR SINGH MALIK, J.(Oral)

When the case came up for hearing on 26.11.2014, following order was passed by this Court:-

“Heard.

Learned counsel for the appellant submits that the appellant was an employee in the firm of plaintiff-respondent who were in dominating position. They wanted to start a business at Hoshiarpur which was to be looked after by the appellant. As a security, the mortgage deed dated 15.02.1996 was got executed from the appellant without payment of any amount. This fact that the appellant was employed in the firm of respondent is admitted by the attorney of plaintiff-respondent who appeared as PW-4. The plaintiff-respondent did not appear herself to make statement in the Court.

Notice of the application for condonation of delay in refiling the appeal, be issued for 10.02.2015.

Learned counsel for the appellant submits that the appellant will deposit the entire decretal amount in the Court which may not be paid to the decree holder till the decision of this appeal. The decree holder may deposit the entire decretal amount in the Court within two weeks which the executing Court will invest in fixed deposit and the same shall not be paid to the decree holder till next date.”

It is also not in dispute that the aforesaid order has not been complied with by the appellant so far, despite having granted numerous opportunities.

In this view of the undisputed fact situation, present appeal is dismissed for want of prosecution. However, liberty is granted to the appellant to get the present appeal revived within a period of three months, if necessity arises.

April 18, 2017
seema

(RAMESHWAR SINGH MALIK)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No