

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RFA No.2185 of 1984 (O&M)

Date of Decision: 04.12.2018

Swarup Vegetables Products Industries Ltd.

... Appellant

VS.

Mohan Meakin Brewaries

... Respondent

CORAM: HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. OP Goyal, Sr.Advocate with
Mr. Piyush Aggarwal, Advocate for the appellant

None for the respondent

G.S. SANDHAWALIA, J. (Oral)

The present appeal is directed against the judgment and decree of the Additional District Judge, Ludhiana whereby a sum of ₹ 46259/- has been decreed in favour of the plaintiff and against the defendant-appellant. It appears that a preliminary decree was passed on 02.12.1978 in pursuance of which the application dated 27.01.1979 had been filed on the basis of which the decree has been passed.

On an earlier occasion on 14.11.2018, counsel for the appellant prayed for time to inspect the record.

Today, it has been submitted that despite communication sent to the appellant, none has come forward and therefore the counsel has no instructions.

A perusal of the photocopy of the orders which have been supplied as such by counsel since the case has been reconstructed would go on to show that on 22.01.1985, notice of the application for condonation of delay was issued and it was directed that in case the decretal amount is deposited, it will not be paid to the decree holders till further orders.

Thereafter the above-stated ad interim stay order was modified to the extent that in case the decretal amount was deposited, the decree-holder would be entitled to the withdraw the same on filing security to the satisfaction of the executing court vide order dated 24.04.1985. A further perusal of the documents supplied would show that the matter was transferred as such to the Court of District Judge, Muzaffarnagar, Uttar Pradesh vide order dated 23.05.1985 for execution of the decree. It is thus apparent that the appellants as such have lost interest in the litigation over a period of 30 years which have expired.

Resultantly, the present appeal is dismissed for want of prosecution.

04.12.2018

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(G.S. Sandhawalia)
Judge

1. *Whether speaking/reasoned?*
2. *Whether reportable?*

Yes
No