

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

RSA-2362-1988

Date of decision : 26.10.2018

Milkhi Ram

... Appellant

Versus

Ram Parkash and another

... Respondents

***CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH***

Present: None.

**AMOL RATTAN SINGH, J.(ORAL)**

In view of the fact that learned counsel for the appellant had passed away during the pendency of this appeal which was filed in the year 1988, (and the '2<sup>nd</sup> counsel' having been elevated to the Bench), notice had been ordered to be issued to the appellant, though the notice was actually not issued till the last date of hearing. However, today, in response to the notice again ordered to be issued on September 12, 2018, the report of the Registry is that he has died.

As regards the respondents, learned counsel who had appeared for them also having given up practice, notices again issued to them earlier have also been received back with the report that they are not residing at the addresses given in the memo of parties.

That being so, with no application for impleadment of the LRs of the appellant being on record, who could also furnish any fresh address of the respondents, there is no choice but to dismiss this appeal in default.

Ordered accordingly.

However since the appeal remain pending for the past 30 years, liberty is granted to the LRs of the appellant to file an application for restoration thereof, within a reasonable period.

(AMOL RATTAN SINGH)  
JUDGE

October 26, 2018.  
*D.K./dinesh*

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether reportable          | Yes/No |