

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO No.417 of 1989(O&M)
Date of Decision : 30.10.2018**

Balwinder Kaur & anr.

....Appellants

VERSUS

Azad Singh

...Respondent

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

Present: None.

B.S. WALIA, JUDGE (ORAL)

Instant appeal is a burnt case. Notice sent to learned counsel for the appellants could not be served on account of his having died. Fresh notice was ordered to be issued to the parties for 21.08.2017. However, on the said date, none put in appearance on behalf of the parties and the case was adjourned to 12.09.2017. On 12.09.2017 also none appeared for the parties and the case was adjourned to 22.02.2018, but even on that date none was present for the parties and the case was then adjourned for 11.09.2018. On said date while noticing that none had put in appearance for the parties, fresh notice was directed to be issued to the appellants for today through Mr. T.S. Virk, Advocate, District Courts, Amritsar, who had represented the appellants before the learned Tribunal. Report has come that notice issued to the appellants through Mr. T.S. Virk Advocate, has been served.

Despite service, none has put in appearance for the appellants. In the circumstances, it would be futile to keep the appeal pending. Accordingly, the same is dismissed in default at this stage while granting liberty to the appellants to move application for restoration of the same, if the circumstances of the case so warrant.

**October 30, 2018
monika**

**(B.S. WALIA)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

