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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA No. 1702 of 1989(O&M)
Decided on: 07.02.2018

Kundan Singh **.....Appellant**

versus

Darshan Lal **.....Respondent**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Ms. Amandeep Kaur, Advocate,
for the appellant.

Rajbir Sehrawat, J.(Oral)

1. A perusal of the file shows that earlier Mr. P.S.Kang, Advocate represented the appellant. But he has passed away. Thereafter, learned counsel appearing for the appellant sought time to seek instructions from the appellant and to file her power of attorney to conduct the case. On the last date of hearing, learned counsel sought time to make another attempt to contact the appellant. It is informed to the Court by her that she had written a registered letter to the appellant but the same was returned back with the remark that address is incomplete. Learned counsel submits that she sent the said registered letter to the address given in the memo of parties. She does not have any other mean to find out other address of the appellant. Hence, learned counsel is unable to represent the appellant.

2. Right from the beginning, there is no representation on the side of the respondent as well.

3. Otherwise also, the present case pertains to seeking possession of the land measuring 4 Kanals under a mortgage deed. The record further shows that even before handing over the possession, the mortgager had offered to

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redeem the mortgage. However, by the lower Appellate Court, the defendant/appellant was bound down, for four years against redemption of the land. In this situation, it is possible that pursuant to the impugned judgment and decree, the possession was given to the respondent but the land might have been redeemed later on after four years. Therefore, the parties seem to have lost their interest in this case.

4. In any case, since there is no representation on behalf of the parties. Therefore, the present appeal is dismissed as not pressed.

7th February, 2018 **[RAJBIR SEHRAWAT]**
shabha **JUDGE**

Whether speaking/reasoned - Yes
Whether reportable - No

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