

RSA No. 3340 of 2012(O&M)

Date of Decision: 21.11.2018

Shiv Kumar and another

---Appellants

versus

Raghubir Singh and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: None for the appellants

Mr. Gopal Sharma, Advocate
for respondents No. 1 to 6

Rekha Mittal, J.

Counsel for the appellants has circulated an adjournment slip that he will not be available due to unavoidable circumstances. The appeal is pending since the year 2012. On January 27, 2017, case was adjourned to 14.7.2017 and last opportunity was granted for making submissions. On 6.3.2018, counsel for the appellants had circulated an adjournment slip. A relevant extract from order dated 6.3.2018, reads as follows:-

“Counsel for the appellants has circulated an adjournment slip despite last opportunity was allowed to make submissions.

In the interest of justice, another opportunity is provided to make submissions failing which the appeal may be deemed to be dismissed.

Adjourned to 12.7.2018.”

Despite order dated 6.3.2018, counsel for the appellants has circulated a vague adjournment slip without mentioning anything in clear terms with regard to his inability to appear in the court. The request for

adjournment is rejected. The Regular Second Appeal can not be disposed
of in absence of representation on behalf of the appellants.

Dismissed for non-prosecution.

(Rekha Mittal)
Judge

21.11.2018

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No