

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

RSA No.1906 of 2013 (O&M)

Date of decision: 25.07.2018

Rajbir Singh

.. Appellant

vs.

Virender and others

.. Respondents

Coram: Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Ms. Gurdeep Kaur, Advocate
for the appellant.

Harinder Singh Sidhu, J.

The present appeal has been filed impugning the judgment of the Courts below whereby the suit instituted by the plaintiff for a declaration to the effect that the alleged oral Will of Ramphal dated 14.06.1999 and the mutation and sale deed dated 31.08.2004 executed by defendant No.1 in favour of defendant No.2 was illegal, null and void and that the plaintiff was not bound by the same has been dismissed.

Notice of motion was issued in this case on 30.07.2013. It has been recorded in the order dated 03.02.2014 that though respondent Nos.1 and 2 have been served, however, none has appeared on their behalf. Notice issued to respondent No.3 was received back with the report that the address was incorrect. No effort was made by the appellant to supply the correct address of respondent No.3. It is recorded in the order dated 12.04.2016 that the appellant had died. It was stated by learned counsel representing the appellant that he would file an application to implead the LR's of the appellant. He also stated that he would furnish the correct address of respondent No.3. However, neither any application for impleading the LR's of the appellant has been filed nor the correct address of respondent No.3 has been furnished. In fact no one had put in appearance on behalf of the appellant on last 3-4 dates.

Ms. Gurdeep Kaur, Advocate who is representing the appellant states that despite best efforts she has been unable to contact the LR's of the deceased appellant.

Thus, it appears that LR's of the deceased appellant have lost interest in prosecuting the case.

Consequently, the appeal is dismissed for non-prosecution.

25.07.2018
Atul

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No

(Harinder Singh Sidhu)
Judge