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

RSA No. 1275 of 2014 (O&M)
Date of Decision: 10.10.2018

Dhari Ram

....Appellant

Vs

Hardev Kaur and others

.....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. L.M. Gulati, Advocate,
for the appellant.

RAJ MOHAN SINGH, J.(Oral)

Defendant is in regular second appeal arising out of judgment and decree passed by the lower Appellate Court vide which appeal filed by the defendant against part decretal of the suit by the trial Court was dismissed.

The trial Court partly decreed the suit against which two appeals were filed before the lower Appellate Court. The appeal filed by the plaintiff was accepted thereby decreeing the suit in toto and appeal filed by the defendant was dismissed.

Vide order dated 01.08.2018, the case was adjourned and the learned counsel for the appellant was required to explain as to whether any Regular Second Appeal has been preferred against the acceptance of the appeal of the plaintiff by the lower Appellate Court thereby decreeing the suit in toto.

Learned counsel for the appellant is not in a position to answer the aforesaid query.

In the absence of any challenge to the decretal of the suit by the lower Appellate Court in toto, the findings recorded therein would operate as *res judicata* in the present appeal.

Since the learned counsel for the appellant is not in a position to answer the query, this regular second appeal is dismissed for non-prosecution.

10.10.2018

Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No