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

CR No. 3966 of 2016 (O&M)
Date of Decision: 13.03.2019

Smt. Vijay Sood

-Petitioner

Vs

Balbir Singh Saini and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. A.P.S. Shergill, Advocate,
for the petitioner.

Mr. Suveer Sheokand, Advocate,
for respondent No.8.

RAJ MOHAN SINGH, J.

This revision petition has been preferred by the petitioner against the order dated 06.04.2016 passed by First Appellate Authority, Ludhiana whereby the application for restitution and continuation of proceedings of the appeal was dismissed.

Grievance of the petitioner was that the appeal titled 'Yashpal Sood and another vs Balbir Singh Saini and others' was filed against the judgment and decree dated 09.09.2011 passed by Civil Judge (Junior Division), Ludhiana. Both the appellants had engaged Mr. R.K. Sooden, Advocate as per Power of Attorney. Later on, appellant No.1 alone engaged one

different counsel namely Mr. Pardeep Kumar Nanchahal, Advocate.

An application was filed by Yashpal Sood through Mr. Pardeep Kumar Nanchahal, Advocate on 24.02.2014 for withdrawal of the appeal on behalf of appellant No.1, however the Court vide order dated 25.02.2014 dismissed the appeal as withdrawn in its entirety in view of statement made by Mr. Pardeep Kumar Nanchahal, Advocate.

Grievance espoused by the petitioner was that she never engaged Mr. Pardeep Kumar Nanchahal, Advocate nor authorized him to withdraw the appeal in any manner.

Notice of motion was issued on 02.06.2016 for 11.08.2016. On 11.08.2016, only respondent No.8 made his appearance through Mr. Suveer Sheokand, Advocate. Respondents No.7 and 10 were proceeded against exparte after due service. Service qua respondents No.1,2,4,5 and 9 was incomplete as they had already left the given place. Fresh notices were ordered to be issued to the respondents No.1,2,4,5 and 9 on the correct addresses to be furnished by learned counsel for the petitioner.

The case was adjourned to 19.01.2017. Fresh notice to respondent No.6 was also issued for the date fixed. Thereafter, the case could not be taken up on 19.01.2017,

25.05.2017 and 25.10.2017. Ultimately, the case came up for consideration on 13.12.2017 and it was noticed as per office report that learned counsel for the petitioner had not furnished correct addresses of respondents No.1,2,4,5 and 9.

Again, the learned counsel for the petitioner was directed to furnish the correct addresses of the aforesaid respondents and thereafter, notices were required to be issued to them for 09.05.2018. Fresh notice was also ordered to be issued to respondent No.6 for the date fixed. On 09.05.2018, the case could not be taken up and the same was adjourned to 08.10.2018.

On 08.10.2018, the Court noticed that the order dated 13.12.2017 has not been complied with. Correct addresses of respondents No.1,2,4,5 and 9 were not filed nor respondent No.6 was served in accordance with law. It was ordered that the needful be done within a month, failing which appropriate order was to be passed on the adjourned date i.e. 29.01.2019.

On 29.01.2019 also, the Court found that needful was not done by learned counsel for the petitioner. One more opportunity was granted and it was ordered that the same was the last opportunity to do the needful.

The case was adjourned for today.

Today also, as per office report, correct addresses of respondents No.1,2,4,5 and 9 have not been furnished by learned counsel for the petitioner.

Faced with this situation, this Court has no alternative but to dismiss this revision petition for non-prosecution.

Since revival of the appeal before the lower Appellate Court is in question, dismissal of present revision petition on behalf of respondents No.1,2,4,5 and 9 would not give any cause of action for consideration of revision petition on behalf of respondent No.8 alone.

For the reasons recorded hereinabove, this revision petition is dismissed for non-prosecution.

13.03.2019
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

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