

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

**RSA No. 1907 of 1995 (O&M)**

Date of Decision: 21.5.2019

Parkash Ram and others

...Appellants

Versus

Pritu Ram and others

...Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- None for the appellants.

Mr. G.S. Jaswal, Advocate,  
for respondents No. 1 and 2.

**JAISHREE THAKUR, J. (Oral)**

The instant Regular Second Appeal has been filed seeking to challenge the judgment and decree dated 3.6.1995 passed by the Additional District Judge, Hoshiarpur, vide which the civil suit filed by the plaintiffs/respondents herein, for grant of permanent injunction restraining the defendants/appellants herein from interfering forcibly in the portion shown as red in the site plan, was decreed. The suit of the plaintiffs/appellants herein was dismissed which led them to file an appeal before the Additional District Judge, Hoshiarpur, which was allowed and the defendants/appellants herein were restrained from tethering their cattle in the *parkarma* of the temple. Aggrieved against this judgment and decree, the instant appeal has been filed, which was admitted.

At the time of admission of the instant appeal, learned counsel for the appellants had given an undertaking that the appellants would not

interfere in the possession of the Mandir in so far as *parkarma* is concerned.

During the pendency of the appeal, learned counsel, who had filed the appeal, expired and, therefore, this Court issued notices to the appellants to secure their presence. The notices were sent and the same were received back with the report that appellant No.1 has been duly served, appellant No.2 has died and appellant No.3 stand served through his brother. The matter was taken up twice on 30.4.2019 and since no one put in appearance the matter was adjourned for today to await appearance on behalf of the appellants. Today, the case has been called twice and despite the fact that appellants No.1 and 3 have been served, none has put in appearance on their behalf, whereas respondent No.2 is reported to have died, so the appeal qua him stands abated. However, as no one has put in appearance on behalf of appellants No. 1 and 3, who stand served, this appeal stands dismissed for non-prosecution.

**21.5.2019**

*prem*

**(JAISHREE THAKUR)**  
**JUDGE**

Whether speaking/reasoned  
Whether reportable

Yes  
No