

FAO No. 5322 of 2011 (O&M)

Date of decision : May 24, 2019

Vidya Wati Sahni and others

.....Appellants

Versus

M/s Ravinder Tpt. Company and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: None.

LISA GILL, J.

Notice in the application for condonation of delay as well as the main appeal was issued way back on 25.02.2012. Respondent No. 1 was proceeded against exparte on 01.08.2012. Fresh notice was issued to respondents No. 2 and 3 subject to their correct address being furnished by learned counsel for the appellants.

Perusal of the file reveals that on 07.07.2014, learned counsel for the appellants had submitted that respondents No. 2 and 3 were residing at the same address and as they were stated to be deliberately avoiding service, the appellants were permitted to serve them by way of dasti process. Notice issued to the said respondents through dasti process was not collected, despite various opportunities afforded to the appellants. Last opportunity was afforded for this purpose on 06.11.2017 and indulgence was yet again given to the appellants' on 19.09.2018 to take necessary steps for service of the said unserved respondents. It has specifically been observed in the said order that, in case, necessary steps are not taken by the appellants before the next date of hearing i.e. 28.01.2019, the appeal may be

dismissed on this ground itself. None had appeared on behalf of the appellant on 28.01.2019 due to suspension of work by lawyers. The matter was adjourned for 08.05.2019, when learned counsel for the appellants submitted that he was not able to contact the appellants and the matter was adjourned on his request.

Today, despite the matter being called twice, there is no representation on behalf of the appellants. It appears that the appellants are not interested in pursuing the matter any longer.

Appeal is, accordingly, dismissed in default and for non-prosecution.

Copy of this order be conveyed to the appellants on their available address.

May 24, 2019
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No