

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

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RSA No.3518 of 2009 (O&M)

Date of decision: November 25, 2019

Piara Singh

..Appellant

Vs.

Sarabjit Singh and Others

..Respondents

CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. G.S. Sirphikhi, Advocate
for the appellant.

JAISHREE THAKUR, J.(ORAL)

This is an appeal seeking to challenge the judgment and decree whereby the suit of the plaintiff seeking a declaration to the effect that he had become absolute owner of land measuring 2 kanals 17 marlas bearing khasra Nos. 47R/5/3, 47R/5/2, khewat No.166, 294, Khatauni No. 296, 560 as mentioned in the copy of the jamabandi for the year 1994-95 and as situated at village Rai Chak, H.B. No. 406, Tehsil Batala by his long, uninterrupted, open, overt, hostile and adverse possession with consequential relief of proprietary possession of the suit land stands dismissed.

This appeal has been pending in this Court since 2009 and despite several opportunities counsel for the appellant has not been able to ensure the service of the unserved respondents. By order dated 17.08.2017 an application filed under Order 5 Rule 20 read with Section 151 CPC for effecting substituted service of respondents was allowed. However, despite the said application being allowed, publication was not effected in the newspaper. By

order dated 23.01.2019, this Court had allowed more time to the

counsel to effect service by way of publication making it clear that in case the order is not complied with by the next date, the appeal shall be dismissed for non-prosecution. By order dated 09.07.2019, the Court had allowed the time to the counsel to inform whether publication had been effected in terms of the previous order.

Today, Mr. G.S. Sirphikhi, counsel for the appellants submits that the publication has not been effected, therefore, this Court dismisses the appeal for non prosecution.

November 25, 2019
Poonam Sharma

(JAISHREE THAKUR)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether Reportable

Yes/No