

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA No. 856 of 2012 (O&M)

Date of Decision: 27.09.2019

Harjit Singh

..... Appellant

Versus

Partap Singh

..... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr.Vikas Gupta, Advocate,
for the appellant.

JAISHREE THAKUR, J.

1. This is an appeal that has been filed challenging the judgment and decree dated 30.10.2007 passed by the Civil Judge (Jr. Divn.), Tarn Taran whereby the suit for possession filed by the plaintiff/respondent herein was decreed and the appeal against the same was dismissed by the Appellate Court on 29.11.2011.

2. During the pendency of the appeal, the sole respondent was stated to have died. Counsel for the appellant had made a statement to that effect and sought time to implead the legal representatives. However, counsel informs that despite every effort, he was unable to contact the appellant and, therefore, asked the Court to issue notice to the appellant. Notices were sent by the Court, which have been received back with the report that the appellant stands

served through son. As the appellant has not contacted either counsel or put in an appearance today, it is presumed that he is not interested in contesting the appeal and, therefore, the same is dismissed for non-prosecution. However, while dismissing the instant appeal for non-prosecution, liberty is granted to the appellant, in case he chooses to move an application for recalling the said order, he may do so within a period of three months.

27.09.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes.

Whether reportable

No.