

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-1739-2013 (O&M)

Date of decision: 06.03.2019

Surjit Singh

...Appellant

Versus

Devinder Singh

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Manpreet Ghuman, Advocate, for
Mr. Prateek Mahajan, Advocate,
for the appellant.

JAISHREE THAKUR, J. (ORAL)

1. This is a regular second appeal seeking to challenge the judgment and decree of the Courts below whereby the suit of the plaintiff-respondent herein has been decreed.

2. Notice of motion was issued as far back as 24.04.2015 with an interim order staying the execution of the impugned judgments and decree of the Courts below. By an order dated 28.01.2016, there was an order to furnish correct address so that notice could be issued to the respondent. However, since the appellant herein failed to supply the correct address, notice could not be issued. By an order dated 21.02.2017, last opportunity was given to the appellant to do the needful within the stipulated period, failing which the order stated that the interim order was to stand vacated. Since fresh address was not supplied, a detailed order came to be passed on

18.09.2017 taking note of the previous order, wherein it had been stated that the interim order would stand vacated. However, in order to avoid miscarriage of justice, one more opportunity was granted to the appellant to ensure strict compliance of the aforesaid order. Almost 1½ year has passed since order dated 18.09.2017 came to be passed by this Court giving the appellant one more opportunity to ensure strict compliance of the order dated 21.02.2017.

3. Learned counsel appearing on behalf of the appellant herein contends that she is unable to contact the appellant and, therefore, she is, thus, not in a position to supply correct address of the respondent herein.

4. In view of the above stated facts, this Court has no option but to dismiss the regular second appeal which is pending in this Court for almost six years at the notice of motion stage.

Dismissed for non-prosecution.

06.03.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

No.

Whether reportable

No.