

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

XOBJ-17-C-2013 in/and
RSA-1758-2013 (O&M)
Date of Decision: February 27, 2019

Gujjar Singh

Appellant

Versus

Jang Singh and others

Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- None for the appellant.

Mr. Amit Saini, Advocate for
the respondents/cross-objectors.

JAISHREE THAKUR, J. (Oral)

The instant regular second appeal has been filed by the appellant for permanent injunction. This matter is listed today and has been called twice and there is no representation on behalf of learned counsel for the appellant. This matter was taken up on 04.07.2018, on which date learned counsel for the appellant was not present in Court. Though the counsel for the respondents/Cross-Objectors- Mr. Amit Saini was present on that day. By the said order, it was noted that there was a request for an adjournment by both the learned counsel, however, the Court noted “ *There is a specific note in the cause list that no adjournment shall be granted in any appeal/revisions which are pending for the last 5 years. However, on the persistent request of the counsel the matter is adjourned to 29.08.2018 subject to payment of costs of ₹2500/- (on each of the learned counsel) to*

be paid in the Mediation and Conciliation Centre of this Court.”

Both the counsel, i.e. learned counsel for the appellant and for the cross-objector were to pay the cost of ₹2500/- in the Mediation and Conciliation Centre of this Court. A perusal of the record shows that learned counsel for the cross-objector has deposited the sum of ₹2500/- and the receipt of the same is available on the record as 'A', however, there is nothing to substantiate that the order has been complied with by learned counsel for the appellant herein. In view of the fact that neither the cost has been deposited by learned counsel for the appellant, nor any appearance has been caused by him, this Court is constrained to dismiss the instant appeal for non-prosecution.

The cross-objections in the matter are admitted and be decided independently. The Registry is directed to segregate the same.

February 27, 2019

seema

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No