

113

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

**RSA No.1376 of 2018 (O&M)
Date of Decision: 25.01.2019**

Hari Singh

.....Appellant

Vs

Ramjas and others

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present:None for the appellant.

RAJ MOHAN SINGH, J.

[1]. None has appeared on behalf of the appellant despite second call.

[2]. Perusal of the record would show very pathetic state of affairs. After filing of the case, it was listed on 05.03.2018 and the same was adjourned for 10.05.2018 for the reasons recorded in the said order. Thereafter on 10.05.2018, the case was adjourned on the request of learned counsel for the appellant. In due course, the case was further adjourned to 17.07.2018 by order. On 17.07.2018, there was no representation on behalf of the appellant. The case was adjourned to 08.08.2018 and further adjourned to 28.11.2018. On 28.11.2018 as well, there was no representation on behalf of

the appellant. The case was further adjourned to 15.01.2019 and following order was passed by the Co-ordinate Bench of this Court:-

“None appears on behalf of he appellant to press this appeal.

On the last occasion also when this matter was taken up on 28.11.2018 none appeared on behalf of the appellant. Now by way of last indulgence put up this matter on 17.01.2019.

It is made clear that if none appears on behalf of the appellant on the date fixed again to press this appeal then this Court would be constrained to dismiss the appeal on account of non-prosecution.”

[3]. Perusal of the aforesaid order would show that there was no appearance on behalf of the appellant and it was made clear that if none appears on behalf of the appellant on the next date of hearing, the Court would be constrained to dismiss the appeal for non-prosecution.

[4]. On 17.01.2019 the case was adjourned for 24.01.2019. On 24.01.2019, following order was passed by the Co-ordinate Bench of this Court:-

“It appears that repeatedly none is appearing to press this appeal. On the last occasion, it was made clear that if none appears on behalf of the appellant on the next fixed, this Court would be constrained to dismiss the appeal on account of non-prosecution.

In the interest of justice, let this matter be put up on 25.01.2019 at Sr. No.101.

To be shown in the urgent list.”

[5]. Today also none has put in appearance despite two

pass overs. It appears that the appellant has lost track of the case and does not wish to pursue this case any more.

[6]. Faced with this situation, this Court has no alternative but to dismiss the present appeal for non-prosecution.

[7]. Dismissed for non-prosecution.

January 25, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No