

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

RSA No.6389 of 2014 (O&M)

Date of Decision: September 10, 2019

Rishi Pal

...Appellant

Versus

Balkar Singh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Naveen Jaglan, Advocate for
Mr. Anuj Balian, Advocate
for the appellant.

JAISHREE THAKUR, J. (Oral)

This is a regular second appeal that has been filed by the appellant-defendant seeking to challenge the judgment and decree dated 16.02.2012 passed by the lower court, which had allowed the respondent-plaintiff recovery of ₹ 15 lacs (being double of the sale consideration of ₹ 7,50,000/-) on the ground that the respondent-plaintiff was not entitled for specific performance of full and final payment agreement dated 22.08.2008 Ex.P2, because as per Section 53-A of Registration Act, Ex.P2 was required to be compulsorily registered. The first appeal filed by the appellant-defendant too was dismissed.

After notice of motion had been issued in the matter, counsel for the appellant had stated that the appellant had died and he wanted to move an application to implead the legal representatives of the appellant.

By an order dated 12.05.2016, counsel for the appellant was given one month's time to do the needful and the case was adjourned for 23.11.2016. On 23.11.2016, an adjournment was sought by counsel for the appellant and consequently, the case was adjourned for 11.05.2017, on which date there was no representation on behalf of the appellant and this court allowed one more opportunity to the counsel for the appellant to implead the LR's of the appellant, in terms of order dated 12.05.2016. Thereafter, the case was adjourned and it was not taken up on board due to court time being over. However, when the case was taken up on 03.04.2019, it was noted that order dated 12.05.2016 had not been complied with and the case was ordered to be listed for 10.09.2019.

Today, the case is taken up and another request is made for adjournment, seeking further opportunity to implead the LR's of the deceased appellant, on the ground that he has not been able to get the necessary instructions from the LR's of the deceased appellant. It is stated that he has made several attempts, asking the LR's of the deceased appellant to come and file the requisite application.

I have heard learned counsel for the appellant.

This court finds no ground for allowing the said adjournment, because the case has been pending since 2016 for impleading the LR's of the deceased appellant. This case cannot be kept pending for an indefinite period for this purpose. It appears that the legal representatives of the appellant are not interested in pursuing the instant appeal.

Under these circumstances, this court is left with no option, but to dismiss the appeal for non-prosecution.

Ordered accordingly. However, in case, the legal representatives of the appellant do feel that they need to get impleaded, they may move an appropriate application for having this order recalled within a period of three months.

September 10, 2019
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No