

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

RSA No.675 of 2014 (O&M)
Date of Decision: October 31, 2019

Rasala Ram

...Appellant

Versus

Bachna Ram and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Umesh Kanwar, Advocate
for the appellant.

Mr. R.K. Shukla, Advocate
for respondents No.1 to 3.

JAISHREE THAKUR, J. (Oral)

This is a regular second appeal that has been filed seeking to challenge the judgment and decree of the Addl. Civil Judge (Senior Division) Patiala dated 23.07.2011 whereby, the suit for permanent injunction/possession of respondents No.1 to 3-plaintiffs was decreed and appeal against the same was also dismissed by the first Appellate Court by judgment and decree dated 08.02.2013.

During the pendency of the appeal, the sole appellant namely Rasala Ram was stated to have died and the counsel for the appellant sought a short adjournment to implead his legal representatives. Four weeks time was allowed to the counsel for the appellant to do the needful and consequently, the case was adjourned to 26.04.2019 and subsequently taken

up for hearing on 27.09.2019, on which date one last opportunity was allowed to the counsel for the appellant to implead the legal representatives of the deceased appellant Rasala Ram.

Counsel appearing for respondents No.1 to 3 contends that initially respondents No.1 to 3 filed a suit for permanent injunction, but the same was sought to be amended for the relief of possession as well, since they had been forcibly dispossessed during the pendency of the suit for permanent injunction. The suit for possession was decreed and since then, respondents No.1 to 3 are in possession of the same.

Counsel for the appellant submits that despite informing through a letter, nobody is coming up with the details of the legal representatives of the deceased appellant or to give further instructions in the matter.

Under these circumstances, the instant appeal is dismissed for non-prosecution, leaving it open to the legal representatives of the deceased appellant to move an application for recalling of this order as well as to move an application for impleading them as legal representatives of the application, if they so desire, within a period of three months.

October 31, 2019

vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No