

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

RSA No.6154 of 2017 (O&M)

Date of Decision: September 09, 2019

Gurmej Singh

...Appellant

Versus

Jaswant Singh

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. D.S. Sandhu, Advocate for
Mr. L.S. Sidhu, 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 06.09.2011 passed by the first Appellate Court whereby, the appeal filed by the respondent-plaintiff against the judgment and decree dated 12.03.2010 passed by the lower court, dismissing the suit of the respondent, has been allowed and consequently, the suit of the respondent was decreed.

In fact, respondent-Jaswant Singh herein filed a civil suit for recovery of ₹ 4,30,000/- (principal amount of ₹ 3,20,000/- plus interest of ₹ 1,10,000/-) on the basis of pronote and receipt dated 25.07.2011. The said suit came to be dismissed with costs by the lower court by its judgment and decree dated 12.03.2010, which was subsequently challenged by the respondent-plaintiff in appeal before the first Appellate Court, who by its

judgment and decree dated 06.09.2011 set aside the judgment and decree of the lower court, dismissing the suit and allowed the appeal. Consequently, the suit of the respondent-plaintiff for recovery of ₹ 3,20,000/- was decreed along with interest. Aggrieved against the said decretal of suit, the appellant-defendant has filed the instant appeal, along with an application seeking condonation of delay of 1913 days in filing the appeal.

Notice of motion was issued in the matter, when the counsel for the appellant-defendant submitted that the parties were about to settle the dispute and requested that the matter be sent to the Lok Adalat for exploring the possibility of settlement. Thereafter, the matter was taken up by the Lok Adalat and no appearance was caused on behalf of the respondent. During the proceedings before the Lok Adalat, it was stated that respondent-Jaswant Singh had died and counsel for the appellant sought time to implead his legal representatives. However, the Lok Adalat by its order dated 01.11.2018 returned the file to the High court with an observation that the matter be put up after the application for bringing on record the legal representatives of the deceased respondent is allowed/disposed of. Subsequent thereto, the matter was put up before this court on 05.07.2019 on which date no one put in an appearance on behalf of the appellant neither has an application been filed to implead the legal representatives of deceased respondent Jaswant Singh on the record.

Today, counsel appearing on behalf of the appellant stated that he has no instructions to plead the case.

In view of the above, the appeal stands dismissed for non-prosecution, however, leaving it open to the appellant to move an

application for restoration of the same, should the need so arise.

September 09, 2019
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No