

Sr. No.3

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

RSA No.1424 of 1989 (O&M)

Date of Decision: 05.03.2020

Man Singh (deceased) through LRs

... Appellants

Versus

Khem Chand and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- None.

ARUN MONGA, J.(ORAL)

1. Having suffered the concurrent adverse findings by the two Courts below, the legal representatives of defendant are before this Court in Regular Second Appeal assailing the trial Court judgment and decree dated 17.03.1987 as upheld by the learned First Appellate Court vide its judgment and decree dated 17.03.1989.

2. Suit was filed for declaration to the effect that plaintiffs are owners of the suit land, which was mortgaged by the ancestors of the defendant to their ancestors and defendants failed to get it redeemed and even their application for redemption was dismissed on 30.12.1955. The trial Court had decreed the suit vide judgment and decree dated 17.03.1987 in favour of the plaintiffs.

3. Defendant's appeal was dismissed by learned First Appellate Court on 17.03.1989. The instant regular second appeal was filed by his legal representatives in this Court in 1989. No stay order was passed in favour of the appellants while issuing notice in

the present appeal.

4. Case has been called out twice but there is no representation on behalf of the parties.

5. By its sheer pendency for more than 30 years before this Court the appeal seems to have either been rendered infructuous or even otherwise the appellants seem to have lost interest in pursuing the same.

5. Regular Second Appeal is, accordingly, disposed as infructuous with liberty to the appellants to file an appropriate application in case, any cause of action still survives.

05.03.2020
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No