

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

**RSA NO. 135 OF 1992 (O&M)  
DATE OF DECISION : 02.03.2020**

**Parmod Kumar deceased through his legal heir Lata  
Bansal**

**...Appellant**

**versus**

**Municipal Committee, Hissar**

**...Respondent**

**CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : Ms. Satinderpal Kaur, Advocate,  
for the appellant.

None for the respondent.

**ARUN MONGA, J. (ORAL)**

The second appeal herein arises out of a civil suit filed by the plaintiff for declaration and consequential relief of mandatory injunction restraining the defendant from recovering an amount of ₹23,635/- pursuant to Recovery Notice dated 18.11.1982 issued by the then Municipal Committee, Hissar.

2. The suit was dismissed way back on 22.09.1988 vide judgment and decree passed by the trial Court which was re-affirmed by the First Appellate Court vide its judgment and decree dated 07.08.1991. Thereafter the present second appeal, which was filed some time in the year 1992, was taken up in motion hearing on various occasions, but no notice of motion was issued in the main appeal.

3. In one civil miscellaneous application bearing No. 3077-C of 1994, notice was issued by this Court. Finally vide order dated 20.03.1995, the appeal was adjourned sine die with the observation that the same shall be listed for hearing after an appropriate detailed application is filed with regard to legal heirs of the deceased. Thereafter, another civil miscellaneous application bearing No.1210-C of 1996 was filed to implead the legal heirs of deceased-appellant, which was allowed vide order dated 29.07.1996. The main appeal, however, remained in cold storage, as no steps were taken to get the same listed for hearing.

4. Learned counsel for the appellant submits that her efforts to contact the appellant were futile. She has no instructions from the appellant.

5. In the background of the aforesaid premise, this Court is of the view that there are only two possibilities : either the amount would have been recovered by now or in case the same had not been recovered, then the Municipal Committee, Hisar, at this stage, may be precluded by its own conduct from now recovering it as there was no interim order passed by this Court.

6. Be that as it may, it seems that by sheer efflux of time the appeal has been rendered infructuous or even otherwise, the appellant seems to have lost interest in pursuing the same.

7. The instant appeal is accordingly disposed of as having been rendered infructuous with liberty to the appellant to file an appropriate application, in case, any cause of action still survives.

(ARUN MONGA)  
JUDGE

MARCH 02, 2020  
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|----|-----------------------------|--------|
| 1. | Whether speaking/reasoned : | Yes/No |
| 2. | Whether reasoned :          | Yes/No |