

Sr. No.4

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

RSA No.2649 of 1989 (O&M)

Date of Decision: 12.03.2020

Piara and another

... Appellants

Versus

Sarwan Singh (deceased) through LRs

... Respondents

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Tahaf Bains, Advocate,
for the appellants.

ARUN MONGA, J.(ORAL)

1. Mr. Tahaf Bains, Advocate appears and submits that the present second appeal was filed by Mr.Baldev Singh, Advocate, who has since expired during pendency of the appeal and being his grandson he is appearing on account of professional courtesy to assist this Court to apprise the situation even though he does not have power of attorney on record.

2. This Court appreciates the assistance of the learned counsel.

3. Sh.Tahaf Bains, Advocate fairly states that he neither has power of attorney nor otherwise got instructions of the appellants to appear in the matter. The present appeal arising out of a civil suit, which was filed to seek permanent/mandatory injunction against the appellant restraining him interfering in the possession of the plaintiff/respondents. Concurrent findings were returned against the appellant herein and the suit was decreed in favour of

the plaintiff/respondents. The suit was filed some time in the year 1985 and was decreed vide judgment and decree dated 08.02.1988. First appeal was filed against the same was dismissed on 31.08.1989 leading to the filing of present second appeal in the year, 1989.

4. It seems that by sheer efflux of time over the past 30 years, the appellants have either lost interest in the present appeal and that is why they have not maintained any contact with the office of the learned counsel or otherwise the relief sought herein seems to have been rendered infructuous.

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

12.03.2020

vandana

**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No