

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

**RSA NO. 1771 OF 1991 (O&M)
DATE OF DECISION : 18.02.2020**

Ved Pal

...Appellant

versus

Devi and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Aparna Singhal, Advocate,
for the appellants.

Mr. Varun, Advocate for
Mr. Hari Om Sharma, Advocate,
for the respondents.

ARUN MONGA, J. (ORAL)

The original suit was filed some time in the year 1983 by Ved Pal and others against one Hari Ram, seeking possession of a plot purportedly encroached by the defendants to the extent of 19' x 13' area on which the plaintiffs claimed to be owner in possession. The suit was partly decreed. However, feeling aggrieved against the part decree, the plaintiffs filed an appeal which was dismissed vide judgment and decree dated 19.03.1991. Hence, the present second appeal.

2. During the pendency of instant appeal, some of the parties, including plaintiff Ved Pal and defendant Hari Ram since expired and therefore, their legal heirs have been substituted in their place.

3. Learned counsel for the appellants who filed the instant second appeal in the year 1991, later also got elevated to the Bench of

this Court. Ms.Aparna Singhal, Advocate has appeared today for the appellants and submits that though her power of attorney is not on record, but out of professional courtesy she had been trying to be in touch with the appellants on different occasions and also wrote different letters to seek instructions in the matter, but all her endeavours have been futile till date.

4. On the other hand, on being asked to argue the matter, learned counsel for the respondents submits that he has not prepared the case for arguments.

5. Be that as it may, this Court is of the view that by sheer efflux of time, the appellants/their legal heirs seem to have lost interest in the appeal and perhaps that is why they have not responded to the letters written by learned counsel for the appellants. This Court appreciates the efforts made by learned counsel for the appellants to get in touch with the appellants/ their legal heirs.

6. In the premise, the appeal, as well as cross-objections filed by the respondents, are disposed of as having been rendered infructuous with liberty to the parties/legal heirs to file an application in case any cause of action still survives.

(ARUN MONGA)
JUDGE

FEBRUARY 18, 2020
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1.	Whether speaking/reasoned :	Yes/No
2.	Whether reportable :	Yes/No