

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

**R.S.A. No.2022 of 2018 (O&M)
Date of Decision: 05.03.2020**

Kashmir Singh

.....Appellant

Versus

Sucha Singh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the appellant.

MAHABIR SINGH SINDHU, J. (ORAL)

Present appeal has been filed for setting aside the impugned judgment and decree dated 30.01.2018, passed by learned Additional District Judge, Kapurthala, affirming the judgment and decree dated 05.02.2016 of learned Civil Judge (Jr. Divn.), Kapurthala, whereby the suit of the appellant/plaintiff for permanent injunction was dismissed.

Case called twice, but none appeared on behalf of the appellant.

On the previous occasion also, none appeared in this case.

This Court, on 15.03.2019, passed the following order:-

“On 18.01.2019, the following order had been passed:-

“For the 8th time in succession a request for an adjournment has been made.

Adjourned to 15.03.2019 for the last time.

It is made clear that if the appeal is not argued on the next date of hearing, it shall be deemed to have been dismissed in default, with no further order required to be passed by this Court in that regard.”

However, learned counsel for the petitioner appears today and submits that he has had a surgery in his neck due to which he is unable to argue the matter today.

Therefore, on his request, adjourned to 23.04.2019, with it made absolutely clear that even if counsel for the petitioner is not available due to any medical reasons on that date of hearing, alternative arrangement shall be made by him to argue the matter, it never having been argued ever since the appeal was listed for the first time on 20.04.2018, with it having been adjourned thereafter 8 times and therefore, today being the 9th date in succession, that no arguments have been addressed.

If the appeal is not argued on the next date of hearing for any reason, it shall stand dismissed in default.”

In view of the above, it seems that appellant is not interested in pursuing the present case. Hence, the present appeal is dismissed for non-prosecution.

March 05, 2020

Gagan

**(MAHABIR SINGH SINDHU)
JUDGE**

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>