

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

**RSA-1646-1993 (O&M)
Date of decision: 01.12.2022**

Shrimati Ram Piari

... Appellant

Versus

Suraj Bhan and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: None for the appellant.
Mr. Rakshit Gupta, Advocate, for
Mr. Rakesh Gupta, Advocate, for the respondents.

ARUN PALLI, J. (ORAL)

Suit filed by the appellant-plaintiff for possession by way of pre-emption was dismissed by the trial Court, vide judgment and decree dated 19.04.1991. For even the appeal preferred against the said decree failed and was dismissed on 11.05.1993, the plaintiff is before this Court in Regular Second Appeal.

The matter has been called out thrice since morning, but none has caused appearance on behalf of the appellant to pursue the same.

In the context of the limited issue that arises for consideration, it appears that the matter has lost its efficacy with the efflux of time and is possibly rendered infructuous.

Be that as it may, for none is present on behalf of the appellant to pursue the appeal, the same is dismissed for non-prosecution.

However, it is made clear that in case any dispute, cause of action or interest still survives, the appellant or her successor-in-interest shall be at liberty to move appropriate application for restoration of the appeal and its decision on merits, to which learned counsel for the respondents submits that he would have no objection.

**(Arun Palli)
Judge**

01.12.2022

Rajan

Whether speaking / reasoned:
Whether Reportable:

YES/NO
YES/NO