

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

RSA-2668-1993 (O&M)
Date of decision: 01.12.2022

Pritam Singh

... Appellant

Versus

Jameel alias Jeelu

... Respondent

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: None.

ARUN PALLI, J. (ORAL)

The appellant-plaintiff filed a suit for injunction simplicitor to restrain the defendant from raising any type of construction and carrying out any repairs in the house in dispute, as depicted in the head note of the plaint.

The trial Court, vide judgment and decree dated 18.10.1985, dismissed the suit. For even the appeal preferred against the said decree failed and was dismissed on 05.02.1993, the plaintiff is before this Court in Regular Second Appeal.

The matter is pending, post admission, since 16.12.1994 and nearly three decades have gone by.

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

In the context of the limited issue that arises for consideration, it appears that with the efflux of time, the matter has lost its efficacy and is 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 his successor-in-interest shall be at liberty to move appropriate application for restoration of the appeal and its decision on merits.

(Arun Palli)
Judge

01.12.2022
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO