

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

RSA-1032-1994

Date of decision: 10.08.2022

Partap Singh

... Appellant

Versus

Mohli alias Hukmi and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: None.

ARUN PALLI, J. (Oral)

The appellant-plaintiff filed a suit by way of pre-emption but as he failed to deposit 1/5th of the pre-emption amount, in terms of Section 22(4) of the Punjab Pre-emption Act, the trial Court rejected the plaint vide order dated 04.09.1993. As even the appeal against the said order failed and was dismissed on 19.10.1993, the plaintiff is before this Court in Regular Second Appeal.

None had caused appearance on behalf of the appellant on 08.08.2022 and the position is not any different even today. The matter is pending post admission for nearly three decades. And, it appears that with the efflux of time, the appeal has lost its efficacy and has been rendered infructuous.

Accordingly, the appeal is disposed of as infructuous. However, it is made clear that in case any cause of action, dispute or interest still survives, the appellant shall be at liberty to move an appropriate application for revival of the appeal and its decision on merit.

**(Arun Palli)
Judge**

10.08.2022

Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO