

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

136

RSA-209-2023(O&M)
Date of Decision: 07.12.2023

Partap Singh

....Appellant

Versus

Dhir Singh

....Respondent

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Devender Arya, Advocate for the appellant.

Ms. Geeta Singhwal, Advocate for the respondent.

SANJAY VASHISTH, J.(Oral)

1. On being informed by the Registry of this Court, counsel for the parties are present before this Court.
2. On 18.05.2023, this Court has passed the following order:

'RSA-209-2023(O&M)

Notice of motion subject to the appellant depositing a sum of Rs.13 Lakh in the Registry of this Court which shall be kept in a fixed deposit and disburse to the parties entitled thereto depending upon the final outcome of appeal. The said amount be deposited within a period of 6 weeks, failing which, the appeal shall be deemed to be dismissed.

Post it on 04.12.2023.

Status-quo qua possession be maintained in the meanwhile.'

Again on 04.12.2023, following order was passed by this Court:

'Present: Ms. Geeta Singhwal, Advocate and Mr. M.L. Singhwal, Advocate, for the respondent-caveator.

Court time is over. However, on request matter is taken up out of turn. Counsel appearing for the respondent-caveator points out that on the last date of hearing i.e. 18.05.2023, notice of motion was ordered to be issued subject to deposit of Rs.13.00 lakhs by the appellant in the registry within a period of six weeks. The said amount was to be kept in a fixed deposit till final outcome of the appeal, and thereafter to be disbursed to the parties entitled thereto. Further submits that said direction has not been complied with by the appellant.

Even there is office report available on the case file to the effect that "notice could not be issued as Ld. Counsel has not deposited 13 lakh in the registry in compliance of order dated 18.05.2023."

List on 07.12.2023.

To be shown in the urgent motion list.

Registry is directed to inform counsel for the appellant telephonically about the next date fixed before this Court.'

3. On instructions from the petitioner, Mr. Devender Arya, learned counsel for the petitioner submits that the petitioner is not interested to deposit the amount of Rs.13 lacs in the Registry of this Court, as ordered by this Court on 18.05.2023, accordingly, prays for disposal of the present appeal.

4. In view of the order dated 18.05.2023 passed by this Court, the present regular second appeal stands dismissed.

December 07, 2023
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no