

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

121

RSA-219-2020 (O&M)

Decided on : October 16, 2023

SOHAN SINGH AND ANOTHER

..... Appellants

Versus

HARBHAJAN SINGH

..... Respondent

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the Appellants.

Mr. Hitesh Verma, Advocate
for the respondent.

NAMIT KUMAR, J. (Oral)

1. This regular second appeal emanates from the judgment and decree dated 17.08.2018 passed by the court of learned Civil Judge (Jr. Division), Bathinda, whereby the suit for possession by way of partition and permanent injunction filed by the plaintiff-respondent has been partly decreed as well as against the judgment and decree dated 28.11.2018 passed by the court of learned Additional District Judge, Bathinda, whereby the appeal preferred by the defendants-appellants against the judgment and decree dated 17.08.2018, has also been dismissed.

2. Mr. Hitesh Verma, Advocate puts in appearance on behalf of respondent and has filed Memo of Appearance, which is taken on record.

3. On 23.03.2022, it was pointed out by learned counsel for the appellants that appellant no.1 has expired and on account of said reason, time was sought for bringing on record LRs of appellant no.1, however, the needful has not been done till date.

4. Thereafter, on 20.07.2022, following order was passed by a Co-ordinate Bench of this Court:-

“ Present: None

*..
On 23.03.2022 the counsel for the appellants had sought time to implead the legal representatives of appellant No.1, who is stated to have expired. Till date no application for impleading the legal representatives of appellant No.1 has been filed. Today, a written request has been circulated for an adjournment on the ground that the counsel is in personal difficulty.*

In the interest of justice, adjourned to 29.01.2023.

It is made clear that in case the matter is not argued on the next date of hearing the same shall be dismissed for non-prosecution.

20.07.2022

*(ALKA SARIN)
JUDGE ”*

5. On 30.01.2023, learned counsel for the appellants submitted that despite numerous efforts, the appellants are not coming forward and he withdrew his Power of Attorney and accordingly, notice was issued to the appellants.

6. As per office report, appellant no.2 has been duly served, however, no one has put in appearance on his behalf.

7. Since, the appellant no.1 has already died and no legal representative on his behalf has been brought on record, moreover, no one has put in appearance on behalf of appellant no.2 despite service, it appears that the LR's of appellant no.1 and appellant no.2 are not interested in pursuing the present appeal.

8. Dismissed for non-prosecution.

9. All pending application(s), if any, shall stand disposed of.

October 16, 2023

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**(NAMIT KUMAR)
JUDGE**

***Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No***