

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

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Date of decision: 06.01.2023

(1) RSA-1616-1990

Ashwani Kumar

....Appellant

V/s

Faqir Chand (since deceased) through LRs

....Respondent

(2) RSA-1432-1990

Jit Nirmal @ Jit Ram and another

....Appellants

V/s

Faqir Chand (since deceased) through LRs

....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Appellant in person in RSA-1616-1990.
None for the appellant in RSA- 1432-1990.

None for the respondent.

VIKAS SURI, J. (Oral)

Appellant Ashwani Kumar s/o Jit Nirmal has appeared in person and proved his identity by submitting his Aadhaar card, photocopy of which has been retained on record. He submits that he is not interested in continuing this appeal and seeks withdrawal of the same. He further submits that the whereabouts of his father are not known for many years and his mother Ram Piarai w/o Jit Nirmal has died on 10.02.2011. He has produced a copy of her death certificate, which is taken on record. He further submits that he does not wish to be impleaded as legal representative in the connected appeal (RSA-1432-1990) or continue with the present litigation, as the dispute was *inter se* cousins

and they have since long settled their differences. He also submits that the legal representatives of his grand-father namely Faqir Chand son of Mool Raj, who were brought on record on the basis of a registered Will vide order dated 26.04.1993 in RSA-1432-1990 have also since passed away. Their legal representatives do not wish to continue with the present litigation and have thus not moved any application for being impleaded as legal representatives in the said regular second appeal.

In the aforesaid backdrop, he prays for withdrawal of the appeal preferred by him.

RSA-1616-1990 is dismissed as withdrawn.

There is no appearance in the connected appeal.

Keeping in view the above, RSA-1432-1990 is dismissed for want of prosecution.

Liberty is granted to the surviving appellant and to the legal representatives to seek revival of the said appeal, in case any cause of action survives and they wish to agitate the same.

Accordingly, both the regular second appeals are disposed of.

(VIKAS SURI)
JUDGE

January 06, 2023
Ajay

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No