

RSA-1918-1990 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-1918-1990 (O&M)

Date of decision: April 12, 2023

Rattan Singh (now deceased) through LRs

....Appellant(s)

versus

Manmohan Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Vipin Mahajan, Advocate for appellant(s).

Mr. Rajender Yadav, Advocate for
 Mr. Salil Dev Singh Bali, Advocate for respondent.

ARUN MONGA, J. (ORAL)

For convenience, parties herein are addressed as per the recitals before learned trial Court.

2. Original appellant herein was defendant seeking to set aside judgment/ decree dated 18.07.1990 passed by learned Additional District Judge, Gurdaspur whereby appeal filed by plaintiff-respondent against judgment/ decree dated 22.04.1989 passed by learned trial Court dismissing the suit of plaintiff, was accepted and judgment/ decree of learned trial Court was set aside and defendant was restrained from interfering in possession of plaintiff.

3. While admitting the appeal for final hearing, following interim order dated 18.09.1990 was passed:

*“Admitted.
 Notice re: stay for 12.10.1990.
 Injunction as prayed meanwhile.”*

4. Subsequently, it appears that some dispute arose that who was actually in possession. Another order dated 19.12.1990 was passed in the following terms:

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“Both the parties are claiming to be in possession of the disputed land, the safer course in these circumstances is to order status quo as it existed on 18th September, 1990. I order accordingly.”

5. Case has been taken up for final hearing today, on a Court query, learned counsel for appellant(s) candidly submits that all his attempts to contact appellant(s) has been futile, though he is appearing to discharge his duties since he has filed his Power of Attorney, but he pleads lack of instructions, especially *qua* current status of property. Likewise, same is the stand of learned counsel for respondent and states that he is not in touch with respondent being an appeal of the year 1990 and his attempts to contact respondent have also been futile.

6. Be that as it may, it appears that over a period of time, parties have moved on and reconciled their differences and that is why none of them seem to be in touch and/ or pursuing the case through their respective learned counsels.

7. In the premise, order dated 19.12.1990 is made absolute and instant second appeal is disposed of for non-prosecution as both learned counsels lack instructions, with liberty to revive proceedings in case any of the parties is aggrieved *qua* status quo order dated 19.12.1990 *ibid*.

8. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

April 12, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No