

RSA-662-1990 (O&M)

Date of Decision :27.01.2023

Harnam Kaur

...Appellant

versus

Kunda Singh

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : None.

B.S. Walia, J. (Oral)

1. Challenge in the regular second appeal is to judgment and decree passed by the learned Addl. District Judge, Ludhiana, dated 05.12.1989, accepting the appeal filed by the respondent-plaintiff and decreeing the suit for possession over khasra No.130/81 as detailed in the head note of the plaint by way of demolition of the Chhattra and the small walls thereon by reversing the judgment and decree dated 12.09.1987, passed by the learned Sub Judge First Class, Ludhiana,

2. On 30.03.1990, while issuing notice of motion for 04.05.1990, operation of the decree under challenge was suspended till further orders while issuing notice regarding stay on the said date.

3. On 19.07.1990, the appeal was admitted with stay to be continued and was ordered to be listed for hearing within one year. Thereafter, on 28.01.2020, on account of none being present on behalf of the parties, notice was issued to the parties as well as their counsel returnable by 20.02.2020. On 20.02.2020, report was made that notices issued to the parties had been received back with the report of sole

No.1 having been served through granddaughter besides respondent Nos.2 to 4 having died as also of an e-mail having been sent to learned counsel for the parties. However, no steps have been taken thereafter till date to implead the L.Rs. of the deceased appellant or for that matter respondent Nos.2 to 4.

4. None is present on behalf of the appellant or for that matter the respondents nor has any request been made for adjournment or passover.

5. Dismissed for non-prosecution.

6. However, liberty is granted to the L.Rs. of the deceased appellant to move an application for restoration of the appeal dismissed for non-prosecution in the eventuality of cause of action surviving. Registry to send intimation of the dismissal of the appeal for non-prosecution to learned counsel for the parties.

(B.S. Walia)
Judge

27.01.2023

rajesh

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>