

[102] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-782-1990

Date of Decision :03.03.2023

SURJAN DASS ETC.

...Appellants

versus

MOHINDER ETC.

....Respondents

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

Present : Mr. Ashutosh Hoshiarpuri, Advocate for the appellants.

B.S. Walia, J. (Oral)

[1] The instant regular second appeal is of the year 1990. After admission of the appeal on 06.06.1990, the matter was taken up for hearing on 16.03.2020 on which date, none was present on behalf of the parties, whereupon the matter was adjourned to 25.03.2020 but due to prevalence of the Corona Virus Pandemic, the case came up for hearing on 18.01.2023. On said date, while noticing that Sh. O.P. Hoshiarpuri, learned counsel earlier representing the appellants was noted to have unfortunately expired and none was present on behalf of the appellants, notice was issued to the appellants for 17.02.2013 to ensure representation.

[2] As per office report dated 15.02.2023, appellant Nos.1 to 4 were not residing at the given address. However, on 17.02.2023, Sh. Arun Biriwal, Advocate appeared and requested for an adjournment on behalf of Sh. Ashutosh Hoshiarpuri, Advocate, son of Late O.P. Hoshiarpuri, Advocate. In the interest of justice, the matter was adjourned to today, while observing that power of attorney be filed by Sh. Ashutosh

Hoshiarpuri, Advocate by the next date and the case be argued and that no further opportunity would be granted.

[3] Today, Sh. Ashutosh Hoshiarpuri, Advocate learned counsel states that he had also sent intimation to the appellants through registered post on 22.02.2023 but the said postal article was received back with the endorsement that no addressee by the name as was contained in the postal article was residing at the given address. Learned counsel for the appellant states that he has no instructions in the matter.

[4] In the circumstances, no useful purpose would be served by keeping the instant appeal pending.

[5] Accordingly, the instant appeal is dismissed for non-prosecution. However, liberty is granted to the appellants to move an application for restoration of the case in the eventuality of cause surviving.

(B.S. Walia)
Judge

03.03.2023
'Amit'

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