

218 IN THE HIGH COURT OF PUNJAB AND HARYANA
 AT CHANDIGARH

RSA-1650-1992

Date of decision: 10.08.2023

DES RAJ

...Appellant

V/S

SMT. NIRMALA DEVI

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Jain, Sr. Advocate with
 Mr. Varun Parkash, Advocate
 for the appellant.

HARKESH MANUJA J. (ORAL)

By way of present appeal, challenge has been made to the judgment and decree dated 05.05.1992 passed by the Court of Additional District Judge, Ludhiana.

2. Briefly stating, the suit for permanent injunction came to be filed at the instance of respondent No.1/plaintiff, claiming herself to be owner in possession of property in question based on a registered Will dated 30.10.1986 executed by deceased Tara Chand in her favour. The suit was dismissed by the trial Court vide judgment and decree dated 05.04.1990 wherein, the aforestated Will was held to be not proved.

3. Aggrieved thereof, respondent No.1/plaintiff filed first appeal which was decided vide judgment and decree dated 05.05.1992, passed by the Court of Additional District Judge, Ludhiana and the execution of the Will dated 30.10.1986 was held to be valid, however, the respondent No.1/plaintiff was held to be owner in possession to the extent of 1/8th share of the suit property.

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4. Aggrieved thereof, the present Regular Second Appeal has been filed. Learned counsel for the appellant submits that despite making strenuous best efforts, no contact could be established with the appellant.
5. In view of the above, present appeal is dismissed for non-prosecution with liberty to the appellant to seek its revival in case any cause survives in his favour.

10.08.2023

manisha

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No