

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

107

2023:PHHC:124227

RSA-1926-1992

Date of decision: 21.09.2023

MERCY CHAUDHARY

..Appellant

Versus

PUNJAB STATE THROUGH ITS SECRETARY ..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the appellant.

Mr. Ajit Singh Natt, AAG, Punjab.

ANIL KSHETARPAL, J(Oral)

1. Though, as per the office report, the learned counsel representing the appellant is stated to have died, however, the learned counsel representing the respondent (State of Punjab) submits that the government is not interested in making any further recovery from the appellant in view of the fact that she on attaining the age of superannuation has already retired and her husband who was serving in Airforce had died.

2. On a perusal of the judgment passed by the trial Court, it is evident that the respondent filed a suit for grant of decree of declaration that she is entitled to retain Quarter No.9, Civil Hospital, Ropar, free of cost and the notice of recovery of Rs.19,700/- as the penal rent issued on 12.07.1988, is null and void.

3. Keeping in view the aforesaid facts, the appeal is dismissed for non-prosecution with liberty to the appellant to file an application for revival, if the grievance subsists.

4. All the pending miscellaneous applications, if any, are also disposed of.

September 21st, 2023

**(ANIL KSHETARPAL)
JUDGE**

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*