

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

RSA-2112-1992 (O&M)

Date of decision: 11.01.2023

Major Sudershan Singh and another

....Appellants

Vs.

Lal Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Avnish Mittal, Advocate,
For the appellants.

ARUN MONGA, J. (ORAL)

Appellant-defendant has filed the present regular second appeal against the judgment and decree dated 05.06.1992 passed by learned Additional District Judge, Patiala whereby the appeal filed by the plaintiff-respondent against the judgment and decree dated 04.05.1991 passed by learned Additional Senior Sub Judge , Patiala was allowed.

2. Appeal was admitted on 11.12.1995.

3. When taken up for final adjudication, Mr. Avnish Mittal, Advocate appears though his 'power of attorney' is not on record. He appears out of professional courtesy since earlier his father was representing the appellants at the relevant time and later elevated to the Bench of this Court and submits that he is unable to assist the Court for lack of instructions. Learned counsel for the appellants states that despite repeated attempts, his office could not contact the appellants. In the premise, no useful purpose would be served by issuing fresh notice to the appellants as the same too would be an exercise in futility.

4. It seems that by sheer effluxion of time and pendency of the appeal for more than 30 years before this Court, either it has been rendered infructuous or else the appellants seem to have lost interest in pursuing the same.

5. Be that as it may, appeal is dismissed with liberty to the appellants to file an appropriate application in case any cause of action still survives.

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

(ARUN MONGA)
JUDGE

11.01.2023

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No