

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

**RSA-2131-1992 (O&M)
Date of decision: 01.05.2023**

Joginder Kaur

... Appellant

Versus

Darshan Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: None.

ARUN PALLI, J. (ORAL)

In a suit filed by the appellant-plaintiff, the trial Court, vide judgment and decree dated 15.04.1991, rejected his plaint under Order 7 Rule 11(d) of CPC. As even the appeal preferred against the said decree failed and was dismissed on 08.08.1992, the appellant-plaintiff is before this Court.

The matter is pending post admission since 15.01.1993. A period of more than three decades have gone by. On 06.12.2022, as none appeared for the parties to pursue the matter, this Court had passed the following order:-

“This appeal was admitted on 15.01.1993. As per report of registry, respondent No.2 has expired, whereas address of respondents No.1 and 3 is incomplete.

Notice to the appellant as well as her counsel; and also notice to the counsel for respondents No.2 to 6 be issued for 20.03.2023. Appellant to also furnish the complete address of respondents No.1 and 3 for effecting their service.”

Office report indicates that notice issued to the appellant has been received back with the report ‘Died’. Notice to respondents No.1 and 3 could not be issued for want of correct addresses. However, the letter issued to Mr. Rajesh Garg, learned senior counsel for the appellant, has been received back duly served.

In context of the declaration/relief prayed for by the appellant-plaintiff in the suit, it appears that the matter in issue, in all probabilities, is rendered infructuous with the efflux of time. Accordingly, the appeal is disposed of as infructuous.

However, in case, any dispute, cause of action or interest still survives, the parties shall be at liberty to move appropriate application(s) for restoration of the appeal and its decision on merit.

(Arun Palli)
Judge

01.05.2023
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO