

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

RSA-2305-1992

Date of decision: 11.01.2023

MAYA DEVI AND OTHERS

...Appellants

VS

HUSSAN CHAND (DECEASED) THROUGH HIS LR_s

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the appellants.

Mr. Arvind Mittal, Advocate,
For the respondents.

ARUN MONGA, J. (ORAL)

This is the appellant-defendants' second appeal against the judgment of reversal. The trial Court dismissed the suit for permanent injunction filed by the plaintiff-respondent herein, but lower appellate Court reversed the judgment and decree of the trial Court and accordingly, decreed the suit and the appellant-defendants have, therefore, filed the present regular second appeal in this Court.

2. While issuing notice of motion, vide order dated 19.11.1992, respondents were restrained from cutting the trees on the suit property. Vide order dated 17.12.1992, it was ordered that interim order shall continue.

3. When called out after so many years, none has put in appearance on behalf of the appellants. In this context, it is important to note that a specific notice has been issued in the cause list, as well as, on the notice Board of the Court room, stating ***“In the category of “To Be Taken UP” Regular matters shown in the daily cause list, if learned counsel still do not appear, it would be an indicator that they are not interested in***

pursuing the same and the cases shall then be decided regardless of their presence. Learned counsels are, therefore, requested to watch the regular cause list of the Court.” Notwithstanding none appears. Court is left with no choice but to dismiss the petition.

4. Even otherwise 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

January 11, 2023
Vandana

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