

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-509-1992 (O&M)
Date of decision: 09.01.2023

Nand Kishore

...Appellant

VS

Parbhati and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajinder Goyal, Advocate for
Mr. Subhash Goyal, Advocate,
For the appellant.

Mr. Ajay Jain, Advocate,
For respondent No.1.

ARUN MONGA, J. (ORAL)

Having suffered concurrent adverse findings by the two Courts below, the defendant is in second appeal before this Court assailing the trial Court judgment and decree dated 27.04.1987, seeking suit for declaration as upheld by the learned First Appellate Court vide its judgment and decree dated 13.11.1991.

2. Appeal was admitted on 19.08.1993.

3. When taken up for final adjudication, learned counsel is unable to assist the Court for lack of instructions. Learned counsel for the appellant states that despite repeated attempts, his office could not contact the appellant. Particulars of the address given as per the 'Memo of Parties' reflect that on the given address service may not be possible as no specific particulars thereof have been given. In the premise, no useful purpose would be served by issuing fresh notice to the appellant 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 appellant seems to have lost interest in pursuing the same.

5. Be that as it may, appeal is dismissed with liberty to the appellant 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, 09 2023
Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No