

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

203

RSA-2500-1989 (O&M)

Date of decision: 04.12.2023

Lekh Singh

....Appellant

Versus

Hanuman Dass and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : None.

AMAN CHAUDHARY, J.

1. Challenge in the present regular second appeal is filed to the concurrent findings of facts returned by both Courts below in favour of the defendant-respondents in a suit filed by plaintiff-appellant for declaration.

2. This Court vide order dated 28.08.2023 had passed the following order:

“Mr. S.M. Sharma, Advocate appearing on behalf of the appellant submits that on earlier occasion, he used to appear as an office associate of the arguing counsel ie. Dr. Gurmit Singh, Advocate who has now expired.

Further submits that he is not holding brief of the present appeal, thus, requests for issuance of notice to the appellant namely Lekh Singh.

It is noticed that the appeal was admitted on 23.11.1989 and thereafter, no one appeared on behalf of appellant and respondent No.1 whereas, Mr. H.S. Toor, Advocate appeared for respondents No.2 to 4, as indicated in the order dated 20.12.1989.

Let Registry issue notices to appellant-Lekh Singh and also to the respondent No.1 and Mr. H.S. Toor, Advocate for their appearance on 04.12.2023.”

- 3. As per office note, notice issued to the appellant has been received back with the report that he has since passed away, whereas Mr. H.S. Toor, Advocate for the respondent has informed that the brief has been taken away from him.
- 4. Apparently, besides respondent Nos. 2 to 4, there are 11 more respondents with regard to whom notices were issued but the appellant for the last more than three decades had not taken steps to effect service upon them.
- 5. Dismissed for non-prosecution.
- 6. Registry is directed to send a copy of this order to the appellant at the last known address, as also to the concerned SHO of the area to intimate the same.
- 7. A period of three months is granted for seeking recalling of this order.

(AMAN CHAUDHARY)
JUDGE

04.12.2023
Ankur

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No