

2023:PHHC:040621

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

205

**RSA No. 877 of 1989 (O&M)
Date of Decision: 20.03.2023**

Darshan Singh

.....Appellant

Versus

Kewal Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: None

VIKAS SURI, J.(ORAL)

Both counsel for the parties are stated to have passed away, as per office report dated 28.05.2019. Pursuant thereto, notice was issued to the appellants as well as to the respondents at the address given in the memorandum of parties, vide order dated 29.05.2019. As per latest office report, appellant Nos.1 and 3 stand served, whereas appellant No.2 remains unserved with the report not residing at given address and respondent Nos.1 and 2 are stated to have died.

Despite service, appellant Nos.1 and 3 remain unrepresented.

In the peculiar facts and circumstances arising in the present regular second appeal, this Court is left with no option but to dismiss the same for want of prosecution. It is, however, made clear that if any cause of action still survives or any of the parties or their legal representatives desire to pursue the appeal, they would be at liberty to seek its revival.

Accordingly, the present appeal is dismissed for want of prosecution with liberty as aforesaid.

**(VIKAS SURI)
JUDGE**

March 20, 2023

Rajeev (rvs)

Whether speaking/reasoned

Yes

Whether reportable

No