

Sr. No. 314

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

RSA-1037-1991 (O&M)

Date of decision: 05.01.2023

Garja Singh (deceased) Through LRs

...Appellants

Vs.

**Gurcharan Singh (deceased) Through LRs and
Others**

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the parties.

ARUN MONGA, J. (ORAL)

This appeal has been filed by the appellant-plaintiff against the judgment and decree passed by the Lower Appellate Court reversing judgment and decree of the Trial Court passed in suit for possession filed by appellant-plaintiff.

2. Appeal was admitted for hearing on 08.08.1991.

3. On previous date of hearing i.e.20.01.2015, none appeared on behalf of the parties. Registry was directed to inform counsel for the parties about the adjourned date. As per office report, letters issued to the respective counsels have been received back unserved with the report "not found in the Bar Room" and their name, address and Email are also not found in the Bar Directory.

4. On resumed hearing today, same is the position. 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 appeal.

5. Even otherwise by sheer effluxion of time and pendency of the appeal for more than 31 years before this Court, either it has been rendered infructuous or else the appellants seem to have lost interest in pursuing the same.

6. Be that as it may, dismissed with liberty to the appellants to file an appropriate application in case any cause of action still survives.
7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January 05, 2023
ashish

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