

[318] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

RSA-1133-1991(O&M)
XOBJC-12-C-1993

Date of Decision :09.02.2023

Dalip Singh ...Petitioner

versus

Baljit Singh and anotherRespondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : None.

B.S. Walia, J. (Oral).,

[1] Civil Suit No.737/131 of 19.03.1983 filed by the appellant-plaintiff for declaration that decree in favour of respondent-defendant No.1 and against respondent-defendant No.2-Lala Ram, concerning ancestral land and other properties was invalid, a nullity and not binding in any manner upon the reversionary rights of the appellant-plaintiff in said property, was decreed subject to the making up of deficiency of Court fee within 04 days, while setting aside decree dated 12.01.1983 suffered by defendant No. 2 in favour of defendant No.1 in respect of the suit properties, while making it clear that in case, the appellant-plaintiff failed to make up the deficiency of the Court fee within the requisite period of time, the suit would stand dismissed.

[2] The instant appeal has been filed against the judgment and decree dated 14.02.1991 in Civil Appeal No.47 dated 07.06.1989 in case titled as 'Baljeet Singh versus Dalip Singh and another', passed by the learned Addl. District Judge, Gurugram, dismissing the cross-objections filed by the appellant-plaintiff, accepting the appeal filed by the respondent defendant, setting aside the judgment and decree of the trial Court and

dismissing the suit of the appellant-plaintiff.

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[3] The appeal was admitted for hearing on 30.05.1991 and the respondents restrained from alienating the suit property during the pendency of the appeal. On 17.09.2014, none was present on behalf of the parties, whereupon, the Registry was directed to inform counsel for the parties about the adjourned date. Thereafter, the case was taken up for hearing on 28.04.2017 but again, none was present, therefore, in the interest of justice, the case was adjourned to 20.09.2017. On 09.11.2022, counsel for the appellant appeared and informed that the brief of the case had been taken away by the appellant whereupon notice was directed to be issued to the appellant through registered post for 12.12.2022 as also directions issued to inform counsel of the respondent of the date fixed.

[4] As per noting dated 11.11.2022, counsel for respondent No.1 was informed through e-mail. On 12.12.2022, order was passed that notice issued to the appellant had not been received back in any form, while notice issued to the counsel for the respondent Mr. Sachin Mittal had been received back with remarks of the counsel that the case was not theirs, whereupon, fresh notices were ordered to be issued to the appellant as well as respondents through registered post for 11.01.2023.

[5] There is a noting of office dated 10.01.2023 that sole appellant as well as respondent Nos.1 & 2 have died.

[6] None is present on behalf of the parties, nor have any LR(s) of the deceased-appellant or for that matter respondent Nos.1 & 2 come forward to pursue the appeal. In the circumstances, the appeal as well as cross-objections are *dismissed for non prosecution*, while granting liberty to

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for revival of the instant appeal / cross-objections respectively, in case of
cause surviving.

(B.S. Walia)
Judge

09.02.2023

'Rajneesh'

Whether speaking/ reasoned

:

Yes/No

Whether reportable

:

Yes/No