

Swarjit Kaur (died) through LRs

...Appellants

VS

Charanjit Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the parties.

ARUN MONGA, J. (ORAL)

Second appeal herein is by the defendants in the suit assailing the judgment of reversal. The trial Court dismissed the suit for declaration seeking that plaintiffs and defendant No.2 are owners of the land measuring 8 kanals 8 marlas as mentioned in the Head note of the plaint. However, lower appellate Court reversed the judgment and decree of the trial Court, decreed the suit. The appellants-defendants are thus in regular second appeal before this Court.

2. Appeal was admitted on 26.07.1991. Execution of the decree was stayed during pendency of the appeal.

3. Vide order dated 28.04.2017 following order was passed:

“Since learned counsel for the appellant has passed away and there is no representation on behalf of either of the parties, office is directed to issue actual date notice to both the parties for 20.09.2017.”

4. As per office report, appellants No.1 to 4 are residing abroad. Respondents No.1 and 2 were duly served. Respondent No.3 is stated to have died. Respondent No.4 is not residing at the given address. On resumed hearing today, despite service, none appears on behalf of the parties.

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, appeal is 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 5, 2023
Vandana

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No