

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

RSA-1200-1991

Date of Decision : 01.02.2023

JARNAIL KAUR

.... Appellant

Versus

PRITAM SINGH ETC.

.... Respondents

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

Present : None for the appellant.

Mr. G.S. Punia, Sr. Advocate with
Mr. Harveen Kaur, Advocate for respondent Nos.1, 2, 3, 5, 6
and 11.

B.S. Walia, J. (Oral)

[1] Challenge in the instant regular second appeal is to judgment and decree dated 16.04.1990 in Civil Appeal No.404/99 of 1987 in case titled as JarnailKaur vs. Pritam Singh and others, dismissing the appeal and upholding the judgment and decree dated 25.07.1987 passed by the learned Additional Senior Sub-Judge Ludhiana in Civil Suit No.863 of 1982 in case titled as Jarnail Kaur vs. Pritam Singh and others whereby the suit for possession of land measuring 16B-13B-8B Pukhta comprised of Khewat ANo.59 and 60 khatauni No.80 and 81, Khasra Nos.722(1-18-15), 723 (1-18-15) 725/1(0-0-8) 725/3 (1-11-13), 726/2 (1-11-17), 727/1 (0-5-17), 723/3 (1-7-19), 728 (2-0-0), 729 (2-0-0), 730/1 (0-16-10), 730/3 (1-6-1), 724 (1-15-13) (as per jamabandi for the 1977-78 situated in village Dudhal The and Distt. Ludhiana) on the basis of a valid Will duly executed by Chuhar Singh, on 21 Jan.1952 and registered on 21 Jan 1952 with the Sub Registrar and on the basis of the oral and documentary evidence, was dismissed.

[2] On 09.09.1991 while noticing the contention that the sale was improper in view of it having been effected without legal necessity, notice of motion was issued and on 26.11.1991, the appeal was admitted. Thereafter, on 28.04.2017, it was brought to the notice of this Court that Sh. NBS Gujral, Advocate, learned counsel for the appellant was no more whereupon notice was ordered to be issued to the appellant for 21.09.2017.

[3] As per office report dated 16.09.2017, notice issued to the sole appellant for 21.09.2017 has been received back with the report as “addressee died”. Till date, no person has come forward claiming to be the LR of the deceased-appellant nor is anyone present on behalf of the appellant.

[4] In the circumstances, the appeal is dismissed for non-prosecution while granting liberty to the LRs if any of the deceased-appellant to move an application for restoration of the appeal dismissed for non-prosecution.

(B.S. Walia)
Judge

01.02.2023
'Amit'

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