

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
RSA-2071-1991
Date of decision: 09.01.2023

NANAK CHAND ...Appellant
VS
JAGDISH CHAND AND OTHERS ...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the appellant.

Mr. Adarsh Jain, Advocate,
For the respondents.

ARUN MONGA, J.(ORAL)

Having suffered concurrent adverse findings by the two Courts below, the plaintiff is in second appeal before this Court assailing the trial Court judgment and decree dated 31.07.1987, seeking suit for permanent injunction as upheld by the learned First Appellate Court vide its judgment and decree dated 08.08.1990.

2. Appeal was admitted on 10.01.1992.
3. None appears on behalf of the appellant on the last date of hearing. Registry was asked to issue fresh notice to the appellant. As per office report, appellant has been served. Despite service none appears.
4. 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 appellant seems to have lost interest in pursuing the same.
5. Be that as it may, appeal is dismissed in default.
6. In view of the dismissal of the appeal, nothing survives for adjudication in Cross objections. However, it is made clear that the order dated 20.01.1992 under challenge in the cross-objections need not to be complied with

since the appellant has himself acquiesced to the *fait accompli* by not proceeding

further with the appeal. Needless to say that in case he takes steps to revive the appeal, the respondents shall also be at liberty to pursue with the cross objections.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

January, 09 2023
Vandana

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