

2023:PHHC:142778

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

(102)

RSA-2267-1991
Date of Decision: 08.11.2023

DHARM SINGH

VS
RAM KANWAR AND OTHERS

...Appellant

...Respondents

CORAM : HON’BLE MR. JUSTICE AMAN CHAUDHARY

Present: None for the appellant.

Mr. Rajinder Goel, Advocate for respondent No.2.

AMAN CHAUDHARY, J (ORAL)

1.

The present appeal has been filed against the concurrent findings recorded by both Courts in a suit filed for possession by way of pre-emption, plaintiffs stating themselves to be co-sharers.
2.

Learned counsel appearing for defendant-respondent No.2 submits that the Sanand Takseem had already been issued on 13.02.1990 (Ex.D1), prior to the judgment by the trial Court dated 15.10.1990. Therefore, he had severed with his status of being a co-sharer on the date of decree which is one of the three dates required to be considered for the purpose of pre-emption.
3.

None had appeared on behalf of appellant on 04.08.2023, 25.08.2023, 25.09.2023 and 16.10.2023. The position remains the same even today as even despite notice having been issued to the appellant on the last date of hearing i.e. 16.10.2023.
4.

Dismissed for non-prosecution.
5.

Registry is directed to send a copy of this order to the appellant at the last known address, as also to the concerned SHO of the area to intimate the same.
6.

A period of three months is granted for seeking recalling of this order.

08.11.2023
Hemant

**(AMAN CHAUDHARY)
JUDGE**

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No