

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-2303-1991(O&M)
Date of decision: 09.01.2023

Bhagwan Kaur (deceased) through LRs	VS	...Appellants
Amrik Singh and another		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Ankush Singla, Advocate for
 Mr. Ashok Singla, Advocate,
 For the appellants.

Mr. Arihant Jain, Advocate and
 Mr. Rishav Jain, Advocate,
 For respondent No.1.

ARUN MONGA, J. (ORAL)

Having suffered concurrent adverse findings by the two Courts below, the plaintiff/appellant is in second appeal before this Court assailing the trial Court judgment and decree dated 17.04.1990, seeking suit for permanent injunction as upheld by the learned First Appellate Court vide its judgment and decree dated 30.05.1991.

2. On 27.11.1991, the following order was passed by this Court:-

*“Notice.
 Status quo regarding possession be maintained.
 Notice regarding stay. Stay matter be listed after
 completion of service.”*

3. Vide order dated 15.09.1992, ad-interim stay order was ordered to be made absolute.

4. When taken up for final adjudication, learned counsel is unable to assist the Court for lack of instructions. Learned counsel for the appellants states that despite repeated attempts, his office could not contact the appellants.

Particulars of the address given as per the ‘Memo of Parties’ reflect that on the

given address service may not be possible as no specific particulars thereof have been given. In the premise, no useful purpose would be served by issuing fresh notice to the appellants as the same too would be an exercise in futility.

5. It seems that 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, 09 2023

Vandana

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No