

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

**RSA No.2974 of 1994 (O&M)
DATE OF DECISION : 14.03.2023**

Hanifa and others

...Appellants

Versus

Mohd. Yusuf and another

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Ms. Neeru Bansal, Advocate for
Mr. Hari Om Sharma, Advocate,
For the appellants.

Mr. Karanbir Singh, Advocate,
for respondent No.1.

ARUN MONGA, J. (ORAL)

Having suffered concurrent adverse findings by the two Courts below, plaintiff/appellants are in second appeal before this Court assailing learned trial Court judgment and decree dated 12.03.1991, as upheld by learned First Appellate Court vide its judgment and decree dated 14.05.1994, dismissing the suit filed by appellants for joint possession.

2. Appeal was admitted for hearing on 08.02.1995.

3. When this case was last taken up for hearing on 24.01.2023, matter was adjourned for today to enable learned counsel for parties to apprise the Court if anything survives for adjudication, given that the original suit was filed in the year-1986.

4. On resumed hearing today, learned counsel for appellants states that she is unable to assist the Court for lack of instructions. She states that despite repeated attempts, her office could not contact the appellants. In the premise, no useful purpose would be served by issuing notice to appellants as the same too would be an exercise in futility.

5. It seems that by sheer effluxion of time and pendency of the instant appeal for more than 28 years before this Court, either it has been rendered infructuous or even otherwise appellants seem to have lost interest in pursuing the same.

6. Be that as it may, instant appeal is dismissed for non-prosecution with liberty to 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.

MARCH 14, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No