

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

RSA-817-1994 (O&M)

Date of decision: 19.01.2023

Smt. Baljinder Kaur

....Appellant

Vs.

Haryana State Minor Irrigation & Tubewells Corporation Ltd. Chandigarh
through its Chairman

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the appellant.

Mr. Nipun Mittal, Advocate
For the respondent-HSMITC.

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 06.06.1992, as affirmed by learned First Appellate Court vide its judgment and decree dated 11.02.1994 dismissing the suit for permanent injunction.

2. Appeal was admitted on 24.01.1995.

3. When called out after so many years, none has put in appearance on behalf of the appellant. In this context, it is important to note that a specific notice has been issued in the cause list, as well as, on the notice Board of the Court room, stating ***“In the category of “To Be Taken UP” Regular matters shown in the daily cause list, if learned counsel still do not appear, it would be an indicator that they are not interested in pursuing the same and the cases shall then be decided regardless of their presence. Learned counsels are, therefore, requested to watch the regular cause list of the Court.”*** Notwithstanding none appears. Court is left with no choice but to dismiss the appeal.

4. Even otherwise by sheer effluxion of time and pendency of the appeal for more than 28 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 with liberty to the appellant to file an appropriate application in case any cause of action still survives.
6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

19.01.2023

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No