

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

RSA-904-1994 (O&M)
Date of decision: 19.01.2023

Hawa Singh

....Appellant

Vs.

Karan Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: None for the appellant.

Mr. Nitin Jain, Advocate
For the respondent.

ARUN MONGA, J. (ORAL)

Appellant-plaintiff has filed the present regular second appeal assailing the judgment and decree dated 15.01.1994 passed by learned Additional District Judge, Sonapat whereby appeal filed by the defendant-respondent against the judgment and decree dated 16.12.1991 passed by learned Additional Senior Sub Judge, Gohana was allowed.

2. Suit for possession by way of pre-emption was filed by the plaintiff/appellant herein, which was decreed with costs. However, learned Appellate Court set aside/reversed the judgment and decree passed by the learned trial Court, thereby dismissing the suit filed by Hawa Singh (Appellant herein).

3. Appeal was admitted on 01.09.1994.

4. 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.

5. 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.
6. 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.
7. 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