

RSA-2009-1995

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2023:PHHC:142191

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

RSA-2009-1995

Date of Decision: 06.11.2023

Naib Singh and others

.... Appellants

Versus

Jai Ram and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the parties.

Respondents No. 1 and 2 already proceeded *ex parte*
vide order dated 28.11.1995.

NIDHI GUPTA, J. (ORAL)

This is the plaintiff/appellants' second appeal against the concurrent findings returned by the learned trial Court vide judgment and decree dated 19.08.1991, dismissing the 'suit for declaration' filed by the appellants herein with costs. The Civil Appeal No. 166 of 1991 preferred by the appellants was also dismissed by the Ist Appellate Court, vide judgment and decree dated 13.02.1995.

As per office report dated 12.10.2022, letter issued to learned counsel for the appellant in compliance of the order dated 16.09.2022, has been received back with the report that he has expired. Thereafter, notices have been issued to the both the parties. As per latest office report dated 02.11.2023, notices issued to appellants No. 1 and 3 have been received back with the report that they have expired; whereas

notices issued to appellants No. 2 and 4 have been received back served, however, none has put in appearance on their behalf.

It has further been reported that learned counsel for respondents No. 3 and 4 has been informed about the date fixed through e-mail, but they have also gone un-represented, despite the case having been called twice.

More so, perusal of order sheets shows that the appellants have gone un-represented on the last two dates of hearing i.e. on 16.09.2022 and 14.10.2022. Today also for the third time, none has put in appearance on behalf of the appellants despite service.

In the aforesaid premise, issuance of fresh notice to the appellants would be a futile exercise. It appears that due to sheer long pendency of the present second appeal before this Court for a period of more than 28 years, the appellants have lost interest in pursuing the same, as no attempt has been made by them to contact their previous counsel or to engage new counsel.

Be that as it may, in view of the foregoing circumstances, the instant regular second appeal is dismissed for non-prosecution, with liberty to the appellants to move an appropriate application for reviving the same, if so, advised.

Pending application(s), if any, also stand disposed of.

06.11.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No