

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA-2253-1995 (O&M)

Date of order: 03.11.2023

Ram Kumar & Another

.....Appellant(s)

Vs.

Darya

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None.

Nidhi Gupta, J.

This is a second appeal filed by the defendants/appellants against judgment of reversal. The respondent/plaintiff had filed a suit for permanent injunction which was dismissed by the learned trial Court vide judgment and decree dated 17.02.1994. However, in an appeal filed by the respondent/plaintiff the learned First Appellate Court reversed the findings of the learned trial Court and vide judgment and decree dated 13.09.1995 allowed the plaintiff's appeal.

The matter was last taken up for hearing on 25.07.2023.

On the said date none had appeared on behalf of the parties as learned counsel for the appellants had been elevated to the Bench and had since retired. Accordingly, notice had been issued to the appellants as well as respondent as also learned counsel for the respondent.

As per office report dated 31.10.2023, learned counsel for the respondent has been informed about the date fixed through e-mail;

and as per service report, the appellants had “died”; and sole respondent was also reported to have “died”.

In the aforesaid premise, issuance of fresh notice to the parties would be an exercise in futility; also in view of the fact that LR’s of neither of the parties have come forth to pursue the present appeal. It appears that during the pendency of the appeal before this Court for a period of about 28 years, the appellants have lost interest in pursuing the appeal as no attempt has been made to contact their counsel.

Be that as it may, accordingly, the instant appeal is dismissed for want of prosecution with liberty to move an appropriate application for reviving the same, if so desired/advised.

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

03.11.2023	(Nidhi Gupta)
Sunena	Judge
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No