

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

224

RSA-2566-1995 (O&M)

Date of Decision: 16.12.2023

Nihal Singh and another

.... Appellants

Versus

Sher Singh and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the appellants.

Mr. Manoj Pundir, Advocate for respondent No. 1.

Respondents No. 2, 3, 5 and 6 are proforma respondents.

Respondent No. 4 proceeded against *ex parte*
vide order dated 28.09.2006.

NIDHI GUPTA, J. (ORAL)

After remaining unsuccessful before both the Courts below, the defendant Nos. 1 and 2/appellants herein, have filed the instant Regular Second Appeal, against the judgment and decree of Ist Appellate Court dated 22.02.1995, affirming the judgment and decree of the trial Court dated 18.02.1994, whereby the 'suit for possession by way of pre-emption' filed by the plaintiff/respondent No. 1 was decreed.

As per office report dated 02.11.2023, learned counsel for the appellants has been duly informed about the date fixed. However, none has put in appearance on their behalf.

Perusal of the order sheets shows that out of the last 05 dates, on 02 dates i.e. 10.04.2023 and 21.04.2023, the present appeal was adjourned at the request of learned counsel for the appellants; whereas

on remaining 03 dates i.e. on 10.05.2023, 16.05.2023 and 22.05.2023, the case was adjourned at the joint request of learned counsel for the parties.

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 27 years, the appellants, have lost interest in pursuing the same, as none has put in appearance on their behalf today, despite the fact that learned counsel for the appellants has been duly informed about the date fixed.

In view of the above, this Court has left with no other option except to dismiss the instant regular second appeal for non-prosecution.

Ordered accordingly.

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

16.12.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No