

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

RSA-316-1995
Date of decision: 13.03.2023

MAHENDER AND ANOTHERAppellants
versus
ASHWANI KUMAR AND OTHERSRespondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Umesh Aggarwal, Advocate
for the appellants.

Mr. Hemant Sarin, Advocate
for the respondents No.1 to 6.

ARUN MONGA, J. (ORAL)

Matter was taken up on 25.01.2023, when none appeared on behalf of the contesting respondents No.1 to 6 and notice was ordered be issued to them as well as their learned counsel. Office report reveals that notices issued to respondents No.1 to 6 through have been received back unserved with the report of incomplete address, but their learned counsel appears today.

2. Petition was admitted for hearing on 20.07.1995.
3. When taken up for final adjudication, after more than 28 years, both learned counsels are unable to assist the Court for lack of instructions. Learned counsel for appellants states that despite attempts, his office could not contact appellants on the given address. In the premise, no useful purpose would be served to issue fresh notice to appellants as the same too would be an exercise in futile. Same is the position qua the address of respondents.

4. Be that as it may, the second appeal is dismissed for non-prosecution with liberty to file an appropriate application, as and when appellants contact their counsel.
5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

13.03.2023
M.Sikka

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No