

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201-A

RSA-726-1995(O&M)

Date of Decision: 17.11.2023

M/s Friends Flour Mills Pvt. Ltd.

.... Appellant

Versus

Punjab National Bank and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None.

NIDHI GUPTA, J. (ORAL)

The defendant No. 1/appellant herein has preferred the present second appeal against the judgment and decree dated 11.08.1994 whereby the learned lower Appellate Court, had partially allowed its appeal by setting aside/modifying the judgment and decree dated 07.01.1993, passed by the trial Court decreeing the 'suit for recovery of Rs.19,00,211.04' filed by the plaintiff/respondent No. 1-Bank herein.

Perusal of the order sheet shows that on the last date of hearing i.e. 12.04.2023, both the parties have gone un-represented and following order has been passed by a co-ordinate Bench of this Court:-

"As per office report the application for impleading the LRs of respondent No. 1 has not been moved so far. Even the counsel representing the appellant has since expired.

The intimation regarding pendency of the case be sent to the appellant-bank as well, so as to enable it to engage counsel. There is no representation on behalf of respondents No. 2 to 5 despite service.

Adjourned to 17.11.2023.

However, no further adjournment shall be granted.”

As per office report dated 14.11.2023, no application for impleading the LR's of the appellant has been received, so far. It has further been reported that notices issued to respondents No. 2 and 3 have been received back served; whereas notice issued to respondent No. 1-Bank has been received back served through its Manager. However, today also none has put in appearance on behalf of either of the parties, despite the case having been called twice.

In the aforesaid premise, issuance of fresh notice to the parties 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 appellant has lost interest in pursuing the same, as no attempt has been made by the appellant to contact its previous counsel or to engage a 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 appellant to move an appropriate application for reviving the same, if so, advised.

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

17.11.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No