

RSA-871-1995 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA-871-1995 (O&M)

Date of decision: May 04, 2023

Pritam Kaur

....Appellant

versus

Piara Singh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** None.

ARUN MONGA, J. (ORAL)

Appellant herein are defendants assailing impugned judgment/ decree dated 18.10.1994 whereby appeal filed by them against judgment/ order dated 05.08.1992 was dismissed. Vide judgment/ decree dated 05.08.1992, suit of plaintiffs for declaration that plaintiffs and defendant No.1 are exclusive owners of disputed tubewell, as well as claim for permanent injunction to restrain defendants No.2 to 4 from using and interfering in the use of tubewell by plaintiffs was dismissed, however, claim of plaintiffs seeking direction to defendants No.5 to 7 to the extent that they are owners was decreed. Further defendants No.5 to 7 were directed to enter names of plaintiffs, defendant No.1 and defendant No.2 in their record as owners.

2. Matter was taken up for hearing on 25.01.2023, when none appeared for the appellant. Registry was asked to issue notice to learned counsel for the parties and meanwhile, steps were also directed to be taken to implead legal representatives of respondent No.7 as he was stated to have died, as per office report. Thereafter, matter was taken up on 14.03.2023, when it was reported that notice sent to learned counsel for appellant has been received back with the report that “not found in bar room”, whereas notices issued to learned counsels for

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respondents received back duly served, but none appeared. Registry was directed to issue notice to parties. Needful has been done.

3. Office report reveals that appellants have died. Respondents No.1, 2 and 4 are stated to be served, but no one appeared on their behalf. Respondent No.3 was proceeded against *ex parte* vide order dated 26.07.1995. Respondents No.5 and 6 are reported to be unserved with report “not relates to us, complete details may be given about case”. Respondent No.7 is stated to be “deceased”. Issuance of fresh notice would be an exercise in futility as latest complete/correct address of the appellant is not available on record. Neither anyone appears on behalf of appellants nor LR’s have come forth to get themselves impleaded.

4. Be that as it may, dismissed in default.

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

(ARUN MONGA)
JUDGE

May 04, 2023

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No