

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208

RSA-1331-1995 (O&M)

Date of Decision: 02.11.2023

Satya Devi

.... Appellant

Versus

Kamaljit Singh and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. V.K. Mahajan, Advocate for the appellant.

Mr. P.S. Chahal, Advocate for
Mr. G.S. Nagra, Advocate
for respondents No. 1 to 3 and 6 and 7.

None for respondent No. 4.

Respondents No. 5, 8 and 9, have already been proceeded
ex parte vide orders dated 30.01.1996 and 28.11.1995.

Service of respondent No. 10 already dispensed with
vide order dated 11.12.1996.

NIDHI GUPTA, J. (ORAL)

This is the plaintiff/appellant's second appeal against the concurrent findings returned by the learned trial Court vide judgment and decree dated 17.09.1990, dismissing the 'suit for declaration' filed by the appellant herein with costs. The Civil Appeal No. 129 of 1990 preferred by the appellant was also dismissed by the Ist Appellate Court, vide judgment and decree dated 20.09.1994.

Perusal of the order sheets shows that the matter was taken up for hearing on 21.07.2023 and as there was no representation on behalf of the appellant and respondent No. 4, the same was adjourned in the interest of justice for 18.08.2023, with a direction to the Registry to

inform learned counsel for the appellant as well as learned counsel for respondent No. 4 about the date fixed. Thereafter, the matter was taken up on 18.08.2023 and as again there was no representation on behalf of the appellant, notice was issued to the appellant for 26.09.2023.

Thereafter, the matter has come up for hearing for today. Mr. V.K. Mahajan, Advocate has put in appearance on behalf of the appellant and has informed this Court that the appellant had taken back the brief from him long ago. Furthermore, perusal of the office report dated 25.09.2023 reveals that notice issued to the appellant has been received back with the remark that '*no such person was found at the given address*'.

In the aforesaid premise, issuance of fresh notice to the appellant would be a futile exercise for lack of correct/fresh address. It appears that due to sheer long pendency of the present second appeal before this Court for a period of more than 28 years, the appellant has lost interest in pursuing the same, as no attempt has been made by him to contact his previous counsel or to engage 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 within a period of 06 months for reviving the same, if so, advised.

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

02.11.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No