

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

RSA-1194-1996 (O&M)

Date of Decision: 07.12.2023

Gurdeep Singh and others

.... Appellants

Versus

Ram Chand and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the appellants.

Respondents No. 2 and 6 already proceeded against *ex parte*
vide order dated 10.07.1996.

NIDHI GUPTA, J. (ORAL)

This is the second appeal filed by the defendants No. 6 to 9/appellants herein, against the judgment and decree dated 08.02.1996 passed by the Ist Appellate Court, vide which the appeal filed by the appellants herein against the judgment and decree dated 13.02.1992 rendered by the learned trial Court, decreeing the 'suit for permanent injunction' filed by plaintiff/respondent No. 1 herein, has been dismissed.

Perusal of the order sheets shows that as on 05.03.2018 and 28.07.2022 both the parties had gone un-represented, the present appeal was dismissed for non-prosecution on 28.07.2022 by a co-ordinate Bench of this Court. However, the same was ordered to be restored vide

order dated 24.08.2022.

Thereafter, on 01.05.2023, when the matter was listed for hearing, counsel for the appellants had sought an adjournment. On the last date of hearing i.e. 04.08.2023, following order was passed by a co-ordinate Bench of this Court:-

“Service of notice upon respondents No. 3 and 5 is incomplete because they are not residing at the given addresses.

Fresh notices be issued to respondents No. 3 and 5 for 07.12.2023, subject to furnishing of correct and complete addresses and requisite process fee within a period of one week from today.”

Pursuant thereto, the office report dated 05.12.2023 reads as under:

<i>Respondents</i>	<i>Service report</i>
Respondent No. 1	Represented by Counsel
Respondents No. 2 and 6	Already proceeded ex-parte vide order dated 10.07.1996.
Respondent No. 4	Died, learned counsel for the appellants has not filed CM for impleading the LR's so far.
Respondents No. 3 and 5	Learned counsel has not filed the fresh address and process fee hence fresh notices could not be issued.

Today, 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 either of the parties would be a futile exercise. It appears that due to sheer long pendency of the present second appeal, the appellants have lost interest

in pursuing the same. More so, last order dated 04.08.2023, has also not been complied with.

Be that as it may, in view of the foregoing circumstances, the instant regular second appeal is dismissed for non-prosecution.

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

07.12.2023

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(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No