

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

228

RSA-1930-1996 (O&M)

Date of Decision: 14.11.2023

Smt. Karam Kaur

.... Appellant

Versus

Sukhbir Singh and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the appellant.

Respondents No. 1 to 4 already proceeded *ex parte*
vide order dated 28.11.1996.

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 12.01.1990, dismissing the 'suit for possession' filed by the appellant herein. The Civil Appeal No. 17-A of 1995 preferred by the appellant was also dismissed by the Ist Appellate Court, vide judgment and decree dated 08.12.1995.

As per office report dated 09.11.2023, Mr. Premjit Kalia, learned counsel for the appellant as well as Mr. H.S Giani and Mr. H.S. Mehtani, Advocates for the respondents have been informed about the date fixed through e-mail. However, there is no representation on behalf of either of the parties, despite the case having been called twice. It has further been reported that notice issued to respondent No. 5 has been received back unserved for want of complete address; wheres notices

issued to respondents No. 6 and 8(iii) and respondents No. 7 and 8(ii), have been received back served personally and through their brother, respectively. Perusal of office report also reveals that notices issued to respondents No. 8(v), 9 and 10 have been received back with the report that they are married and residing with their in-laws and notice issued to respondent No. 8(vi) has been received back with the report that she is residing abroad. It is further reported that notices issued to respondents No. 8(i) and 8(iv) have been received back with the report that they have expired.

Perusal of the previous order sheet shows that the parties have also gone unrepresented on the last date of hearing i.e. 23.05.2023.

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 26 years, the appellant has lost interest in pursuing the same, as no attempt has been made by the appellant to contact her 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.

14.11.2023
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No