

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

229

RSA-1931-1996 (O&M)

Date of Decision: 14.11.2023

Punjab State Electricity Board and others

.... Appellants

Versus

M/s Shakti Flour Mills

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None.

NIDHI GUPTA, J. (ORAL)

This is the defendant/appellants' second appeal against the judgment and decree dated 24.04.195, rendered by the learned lower Appellate Court, reversing the judgment and decree dated 24.11.1993, passed by the trial Court dismissing the suit for permanent injunction filed by the plaintiff/respondent herein, 'restraining the defendant/appellants, their officials, employees, agents and servants from taping or putting the load of any other factory or connection on the independent feeder installed for the and at the post of the plaintiff/respondent for running their flour mill'.

There is no representation on behalf of either of the parties, despite the case having been called twice.

As per office report dated 09.11.2023, in compliance of the previous order dated 16.09.2022, passed by a co-ordinate Bench of this Court, notices issued to both the parties have been received back with the

report that notices issued to appellants No. 1 and 4 have been received back served through Clerk; whereas notice issued to Appellant No. 5 has been received back duly served, however, none has put in appearance on their behalf. It has further been reported that notices issued to appellants No. 2 and 3 have been received back unserved with the report that ‘as reported by the SDO, they do not sit in this office’; whereas notice issued to the sole respondent has also been received back unserved with the report that ‘not found present at the time of service’.

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 appellants have lost interest in pursuing the same, as no attempt has been made by them to contact their 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 appellants 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