

## IN THE HIGH COURT OF PUNJAB &amp; HARYANA AT CHANDIGARH

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RSA-2176-1997 (O&amp;M)

Date of order: 24.11.2023

Harkishan Singh

.....Appellant(s)

Vs.

Dwarki Devi &amp; Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None.

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**Nidhi Gupta, J.**

This is a second appeal filed by defendant No.5/appellant against the judgment and decree dated 16.12.1995 passed by learned trial Court in favour of the plaintiff/respondent No.1 in a suit for declaration; as also against judgment of learned First Appellate Court dated 20.03.1997 whereby appeal filed by appellant and respondents No.19 to 26 herein, against the judgment and decree of learned trial Court, has been dismissed.

Perusal of order sheets shows that on 18.10.2019, there was no representation on behalf of the appellant. On the last date of hearing i.e. 16.01.2020, fresh notice was issued to the appellant, as learned counsel representing the appellant had pleaded no instructions.

As per office report dated 23.11.2023, sole appellant has been duly served. However, there is still no representation on behalf of the appellant.

In the aforesaid premise, issuance of fresh notice to the appellant would be an exercise in futility; also in view of the fact that

neither the appellant nor his counsel has come forth to pursue the present appeal. It appears that during the pendency of the appeal before this Court for a period of about 26 years, the appellant has lost interest in pursuing the appeal.

Be that as it may, in view of the above noted position, the instant appeal is dismissed for want of prosecution.

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

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|---------------------------|---------------|
| 24.11.2023                | (Nidhi Gupta) |
| Sunena                    | Judge         |
| Whether speaking/reasoned | Yes/No        |
| Whether reportable        | Yes/No        |