

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

101

RSA-2547-1996 (O&M)

Date of Decision: 17.11.2023

Amar Singh and another

.... Appellants

Versus

Bhangi Ram and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the appellants.

Mr. Anil Rathee, Advocate
for respondents No. 1 to 5, 7 and 9.

NIDHI GUPTA, J. (ORAL)

The matter has come up for hearing after the year 2019.

The plaintiffs No. 1 and 7/appellants herein have preferred the present second appeal against the concurrent findings returned by the learned trial Court vide judgment and decree dated 11.02.1992, dismissing the 'suit for declaration' filed by the appellants herein along with other co-plaintiffs. The Civil Appeal No. 47 of 1992 dated 03.03.1992 preferred by the appellants was also dismissed by the Ist Appellate Court, vide judgment and decree dated 11.06.1996.

Perusal of the order sheets shows that the appellants have gone un-represented since the last 04 dates i.e. 21.09.2017, 04.07.2018, 10.04.2019 and 21.08.2019. On 21.08.2019, when this matter was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

“Seen office report.

No steps were taken on behalf of the appellants for effecting service upon respondent No. 10 and impleadment of LRs of respondent No. 6, in compliance of the last order dated 10.04.2019.

In the circumstances, the appeal is ordered to be dismissed qua respondent No. 10 and abated qua respondent No. 6, with liberty to apply for setting aside abatement.

Adjourned to 19.12.2019”

Today, again the appellants have gone un-represented, despite the case having been called twice.

In the aforesaid premise, issuance of fresh notice to the appellants 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 appellants have lost interest in pursuing the same, as no attempt have been made by them to contact their 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.

17.11.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No