

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

RSA-3-1996 (O&M)

Date of Decision: 17.11.2023

Purna Devi

.... Appellant

Versus

Sadhu Singh

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None.

NIDHI GUPTA, J. (ORAL)

This is the defendant/appellant's second appeal against the concurrent findings returned by the learned trial Court vide judgment and decree dated 26.02.1992, decreeing the 'suit for possession' filed by the plaintiff/respondent herein. The Civil Appeal No. 299 of 1992 preferred by the appellant was dismissed by the Ist Appellate Court, vide judgment and decree dated 03.08.1995.

Perusal of the order sheets shows that for the last three dates i.e. 29.10.2019, 01.12.2022 and 28.02.2023, both the parties have gone un-represented.

On 29.10.2019, when this case was listed for hearing, following order was passed by a co-ordinate Bench of this Court:-

"Despite the fact case has been called out twice, there is no representation on behalf of the appellant as well as respondent.

In the interest of justice, adjourned to 13.11.2019.

Registry is directed to issue notice to learned counsel for the appellant as well as learned counsel for the date fixed to proceed further in the instant matter."

Further, vide last order dated 28.02.2023, Registry was directed to issue actual date notice to the appellant on the pretext that Mr. J.M. Sethi, learned counsel earlier representing the appellant has since passed away.

Pursuant thereto, as per office report dated 16.11.2023, notice issued to the appellant for 17.05.2023, has been received back with the report 'died'.

In the aforesaid premise, issuance of fresh notice to the parties/LRs of the appellant 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 or her LRs have lost interest in pursuing the same, as no attempt has been made by them to contact 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 LRs of the appellant 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