

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

209

RSA-3246-1996 (O&M)

Date of Decision: 02.12.2023

Mithu Singh

.... Appellant

Versus

Bhoora Singh and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Ankush Singla, Advocate for the appellant.

None for the respondents.

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 03.04.1995, dismissing the 'suit for permanent injunction' filed by the appellant herein; and the Ist Appellate Court vide judgment and decree dated 30.07.1996 in the Civil Appeal No. 63 dated 26.04.1995 preferred by the appellant.

Learned counsel appearing for the appellant submits that he has no instructions in the matter.

As per office report dated 30.11.2023, it has been reported that notice issued to the sole appellant for 05.09.2023, has been received back with the report that the appellant has refused to accept notice. It has further been reported that learned counsel for the respondent has been informed about the date fixed through sms and e-mail dated 30.11.2023. However, none has put in appearance on their behalf; and

notices issued to the respondents for the aforesaid date have been received back with the report “died”.

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 him to contact his previous counsel or to engage a new counsel. Moreover as per latest office report, appellant has even refused to accept notice.

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 within a period of 06 months from today for reviving the same, if so advised.

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

02.12.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No