

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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RSA-659-1996 (O&M)

Date of order: 21.11.2023

Gurnam Singh

.....Appellant(s)

Vs.

Shri Balkar Singh & Others

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- None.

Nidhi Gupta, J.

This is a second appeal filed by the plaintiff/appellant against judgments of learned trial Court and First Appellate Court. The plaintiff/appellant had filed a suit for declaration which was dismissed by the learned trial Court vide judgment and decree dated 31.08.1994. The appeal filed by the plaintiff/appellant against the judgment of trial Court has also been dismissed by the learned First Appellate Court vide its judgment dated 19.10.1995.

The matter was last taken up for hearing on 16.12.2022 when none had appeared on behalf of the parties and notices were directed to be issued to both the parties and their respective counsel.

As per office report dated 17.11.2023, learned counsel for the parties have been informed through e-mail about the date fixed. It is also reported that the appellant and respondent No.2 have since expired. Notice issued to respondent No.1 has been received back served and notice issued to respondent No.3 has been received back served through

daughter-in-law. However, today, there is no representation on behalf of the parties.

In the aforesaid premise, issuance of fresh notices to the parties would be an exercise in futility; also in view of the fact that LR's of neither of the parties have come forth to pursue the present appeal. It appears that during the pendency of the appeal before this Court for a period of about 27 years, the appellants have lost interest in pursuing the appeal as no attempt has been made to contact their counsel.

Be that as it may, accordingly, the instant appeal is dismissed for want of prosecution with liberty to move an appropriate application for reviving the same, if so desired/advised.

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

21.11.2023	(Nidhi Gupta)
Sunena	Judge
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No