

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA NO.883 OF 1996 (O&M)

DATE OF DECISION : 21.02.2023

Union of India

...Appellant

Versus

Durga Dutta Sharma

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : None for appellant.

Mr. Dinesh Kumar, Advocate
for respondent.

ARUN MONGA, J.(ORAL)

Having suffered concurrent adverse findings by two Courts below, defendant/appellant –UOI is in second appeal before this Court assailing judgment and decree dated 31.03.1990 passed by learned trial Court, as upheld by learned First Appellate Court vide judgment and decree dated 13.09.1995, whereby suit for mandatory injunction filed by plaintiff/respondent was decreed.

2. Petition was admitted for hearing on 29.11.1996.

3. Today, none appears on behalf of either of the parties. In this context, it is important to note that a specific notice has been issued in the cause list, as well as, on the notice Board of the Court room, stating “*In the category of “To Be Taken UP” Regular matters shown in the daily cause list, if learned counsel still do not appear, it would be an indicator that they are not interested in pursuing the same and the cases shall then be decided regardless of their presence. Learned counsels are, therefore, requested to watch the regular cause list of the Court.*” Notwithstanding none appears, Court is left with no choice but to dismiss the petition.

4. Even otherwise, by sheer effluxion of time and pendency of the appeal for more than 28 years before this Court, either it has been

rendered infructuous or else the appellant seems to have lost interest in pursuing the same.

5. Be that as it may, dismissed with liberty to the appellant to file an appropriate application in case any cause of action still survives.

6. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

FEBRUARY 21, 2023

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**(ARUN MONGA)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No