

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH**235****RSA-37-1997 (O&M)****Date of order: 28.11.2023****Ranjit Kaur & Others****.....Appellant(s)****Vs.****Ramandeep Singh & Others****.....Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** None for the appellants.

Respondents No.4 to 6 proceeded against ex parte
Vide order dated 21.08.1997.

Mr. Vinay Kumar Begra, Advocate for
Mr. Deepak Agnihotri, Advocate
for respondent No.7.

Nidhi Gupta, J.

This appeal is filed by the LR's/daughters of Sh. Natha Singh (defendant No.1) against the judgment of learned First Appellate Court dated 19.09.1996, whereby the judgment passed by the learned trial Court dated 21.02.1995, dismissing the suit for joint possession filed by the plaintiffs/respondents No.1 to 3 herein, was reversed.

On the last date of hearing i.e. 17.10.2023, as there was no representation on behalf of any of the parties, matter was adjourned in the interest of justice, with a direction to the Registry to inform learned counsel for the parties.

As per office report dated 23.11.2023, learned counsel for the parties have been duly informed through e-mail about the date fixed. However, no one has put in appearance on behalf of the appellants.

Order sheets reveal that present appeal was dismissed for non-prosecution previously vide order dated 22.05.2009, when the following order was passed:-

“Vide order dated 11.1.2008 Civil miscellaneous application No.61-C of 2008 had been allowed and legal representatives as mentioned in the application were ordered to be brought on record subject to all just exceptions and notice was issued to newly added legal representatives of the appellant. Thereafter, nobody had put in appearance on behalf of the appellant and no efforts has been taken to effect the service upon the newly added legal representatives of the appellant.

Today also the case has been called thrice but nobody has put in appearance on behalf of the appellant. It seems that the appellant is not interested to pursue the present appeal.

Dismissed for non prosecution”.

Thereafter, delay of 457 days in filing the application for restoration, was condoned, and the matter was restored vide order dated 12.12.2011. Thereafter, no one had put in appearance on behalf of the appellants on 27.01.2020 and 02.09.2022. Vide order dated 15.03.2023, following order was passed:-

“As per office report respondents No.4 & 5 are reported to have expired. Respondent No.6 is not residing at given address. Respondents No.11 and 12 could not be served for want of fresh addresses.

Let fresh notice be issued to the aforesaid unserved respondents on furnishing of fresh process fee/correct address by counsel for the appellant within a period of four weeks from today.

Steps for impleading LR's of respondents No.4 & 5 be also taken in the meantime.

Adjourned to 05.10.2023”.

Pursuant to the above order dated 15.03.2023, as per latest office report dated 23.11.2023, it is reported that respondents No.4 and 5 have expired however, no application for impleading their LR’s has been filed/received so far. It is further reported that fresh addresses of respondents No.6, 11 and 12 have also not been furnished by learned counsel for the appellants and hence, fresh notices could not be issued to them.

Even on the last date of hearing i.e. 17.10.2023, there was no representation on behalf of the parties. Today also, no one has put in appearance on behalf of the appellants.

Therefore, it appears that the appellants have lost interest in pursuing the present appeal. In view of the above noted position, the instant appeal is dismissed for want of prosecution.

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

28.11.2023	(Nidhi Gupta)
Sunena	Judge
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No