

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

RSA No.262 of 2002

Date of Decision : 20.02.2023

Pannu Ram and Others

....Appellants

VERSUS

Anil Kumar

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: None.

ALKA SARIN, J. (Oral)

On 12.07.2022 the following order was passed :

“The present appeal pertains to the year 2002 which was decided vide judgment dated 21.05.2007. Thereafter, the matter went up to the Supreme Court by way of SLP (Civil) No.18423 of 2007 (Civil Appeal No.7012 of 2011) and vide order dated 16.08.2011 the matter was remanded for fresh decision and this Court was requested to dispose off the matter preferably within a period of four months from the date of the receipt of the order. Thereafter, since none had appeared on 01.11.2011, the judgment was reserved and was thereafter pronounced on 21.12.2011. On an application (CM-1593-C-2012) filed by the appellants, vide order dated 17.07.2013, the order of dismissal of the appeal dated 21.12.2011 was recalled and the appeal was restored to its original number.

Since then, the matter has been repeatedly adjourned on the request of learned counsel for the

parties. Despite numerous last opportunities given for addressing the arguments, the counsel kept seeking adjournments to argue the matter. Today Mr. Akshay Jindal, learned counsel appearing on behalf of the appellants states that both the parties have entered into a compromise and he seeks some time to place on record the written compromise. Similar request was made on 06.11.2019 and on 03.12.2019.

Mr. Sumeet Jain, Advocate has put in appearance on behalf of the respondent and states that earlier counsel has since been elevated to the Bench and he seeks some time to file his vakalatnama.

Adjourned to 29.07.2022.

It is made clear that no further adjournment shall be granted.

Photocopy of this order be placed on the file of the connected case.”

On 15.11.2022 the following order was passed :

“Mr. Akshay Jindal, Advocate appearing on behalf of the appellants states that he has no instructions in the matter inasmuch as despite repeated attempts he has not been able to contact his clients. He seeks permission to withdraw his Vakalatnama. Permitted to do so.

Let notice of the appeal be issued to the appellants returnable 20.02.2023.”

As per office report, appellant nos.1 to 4 are stated to have died. Appellant no.5 is not traceable at the given address. In view thereof, this Court is left with no other option but to dismiss the present appeal for non-prosecution.

Dismissed for non-prosecution. Pending applications, if any, also stand disposed off.

20.02.2023
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO