

**609 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****DATE OF DECISION : 03.05.2023****1) RSA No. 463 of 2001 (O&M)****Anant Ram and others****...Appellants****Versus****Sahib Singh (deceased) through LR's & others****...Respondents****2) RSA No.478 of 2001 (O&M)****Kanshi Ram and others****...Appellants****Versus****Atma Ram and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : None for the appellants.

Mr. Pritam Saini, Advocate,
For the respondents.**ARUN MONGA, J. (ORAL)**

Vide this common order/judgment, above-mentioned two second appeals are being disposed of since facts are analogous and issues raised therein are common. For brevity, recitals are taken from RSA-463 of 2001

2. Having suffered adverse concurrent findings by the two Courts below, defendant/appellants herein are in second appeal against the judgment and decree dated 30.11.1999 passed by learned trial Court, as upheld by learned First Appellate Court vide its judgment and decree dated 13.09.2000, decreeing the suit filed by plaintiff/respondents for permanent injunction restraining defendants from interfering in their peaceful cultivating possession and from dispossessing them from suit land, as described in plaint.

4. At the time of admitting both the appeals for final hearing, on 24.10.2002 J.S. Narang, J. (as he then was in this Court), passed the following order :

“ *Admitted.*

Learned counsel for the appellant has not been able to show that the possession is that of the defendant-appellant, a categorical finding has been returned by the trial Court that possession is that of plaintiff-respondent. Resultantly, the plaintiff-respondent shall deposit the mesne profits during the pendency of the appeal. The plaintiff-respondent shall file an application before the trial Court within one month from today for determination of mesne profits. The application shall be disposed of after notice to the defendants. The mesne profits so determined shall be deposited after every six months from the commencement of the agricultural year. The amount so determined shall be deposited from the date of filing of the suit by the plaintiff. The cumulative amount shall be deposited in four equated instalments along with the mesne profits required to be deposited accordingly. The amount so deposited with the trial Court shall be further deposited in a nationalized bank and the same shall be converted into Fixed Deposit Receipt for a period where it shall earn the maximum rate of interest. If the aforesaid appeal is not decided before the expiry of the period for which the fixed deposit receipt is made, renewal shall be made accordingly. The interest shall not be allowed to be withdrawn and that no advance and loan shall also be allowed against the said deposit. The amount shall be subject to the decision of the aforesaid appeal.”

5. *Apropos*, during the pendency of appeals parties were referred to Lok Adalat, but none appeared for appellant(s). Though of course none appeared for respondent as well, as is borne out from order dated 10.09.2012, resultantly, nothing fruitful happened and the matters were sent back to the Court for hearing.

5.1 Thereafter, it was taken up for hearing on 09.02.2017, when none appeared for appellants, though respondents were represented by Mr. Pritam Saini, Advocate. Both the cases were taken up on 13.02.2023, when none appeared for appellant(s). They were again adjourned to

25.04.2023. On 25.04.2023, Mr. Navjot Singh, Advocate, appeared for appellant(s) and cases were posted for 03.05.2023.

6. On resumed hearing today, again none appears on behalf of appellant(s). It seems that by sheer effluxion of time and/or in view of admission order dated 24.10.2002 *ibid*, in the interregnum, appellant(s) have lost interest in pursuing the appeals or the same are otherwise rendered infructuous.

7. Be that as it may, both the appeals are dismissed in default.

8. Pending applications, if any, shall also stand disposed of.

MAY 03, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No