

**IOIN-RSA-532-2002 IN/AND
RSA-532-2002 (O&M)**

204

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**IOIN-RSA-532-2002 IN/AND
RSA-532-2002 (O&M)
Date of decision: May 15, 2023**

Gurdas

....Appellant

versus

Punjab National Bank and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Sanjay Jain, Advocate for appellant.

None for respondents No.1 to 6, despite service.

ARUN MONGA, J. (ORAL)

IOIN-RSA-532-2002

Office note perused. Main case is taken up for hearing on Board today itself.

3. IOIN stands disposed of, accordingly.

Main case (O&M)

Having suffered concurrent adverse findings by the two Courts below, appellant/defendant No.3 is in second appeal before this Court assailing learned trial Court judgment and decree dated 21.02.2000, as upheld by learned First Appellate Court vide its judgment and decree dated 19.07.2001. Plaintiff/respondent No.1 herein had filed suit for recovery of Rs.1,55,893/- as principal amount and interest upto 6.6.1993 by way of sale of agricultural land on which charge was created under Haryana Agricultural Credit Operation and Miscellaneous Provisions (Banks) Act, 1973 as amended in 1978.

2. Order sheet reflects that on 10.03.2003, following order was passed:

“Learned counsel for the appellant restricts claim in his appeal to the award of penal interest and submits that interest could not be half yearly or quarterly. It has to be yearly.

IOIN-RSA-532-2002 IN/AND
RSA-532-2002 (O&M)

Notice of motion for 1.9.2003.”

2. *Apropos*, it appears that due to inadvertence of the Registry, matter was not listed and the appeal remained pending ever since. On being asked to argue, learned counsel for appellant pleads lack of instructions. It appears that even with the passage of time, appellant has lost interest in prosecuting the appeal since neither Registry put up this matter before the Bench nor any application was filed on the judicial side. Since learned counsel for appellant pleads lack of instructions, appeal stands dismissed for non-prosecution with liberty to appellant to file appropriate application, in case he wishes to prosecute the appeal.

3. Pending application(s), including applications for condonation of delay, shall also stand disposed of.

(ARUN MONGA)
JUDGE

May 15, 2023
mahavir/ashish

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No