

RSA-3756-2019 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**RSA-3756-2019 (O&M)****Date of decision: March 16, 2023**

Mukhtar Singh and others

....Appellants

versus

Sulakhan Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Ms. Satwant Mehta, Advocate for appellants.

ARUN MONGA, J. (ORAL)

Having suffered concurrent adverse findings by the two Courts below, appellants-defendants No.1 to 4 & 6 are in second appeal before this Court assailing learned trial Court judgment and decree dated 21.08.2018, as upheld by learned First Appellate Court vide its judgment and decree dated 16.03.2019, decreeing suit for declaration and permanent injunction filed by respondent-plaintiff whereby it has been declared that plaintiff is owner in possession of land measuring 1 Kanal 1 Marla in Khasra No.10//18/1 out of the total suit property and defendants have also been restrained from interfering in the possession of plaintiff over his share in property and from dispossessing him from the same forcibly and illegally.

2. Appeal was filed sometime in the year 2019 and was listed for hearing from time to time on 07.08.2019, 14.02.2020, 23.08.2022, 27.10.2022 and 10.01.2023, when due to lack of assistance, in turn caused by appellants not taking appropriate steps to meet their counsel, adjournments were being sought. Once again today when matter is taken up for hearing, learned counsel for appellants candidly states that all her attempts to contact appellants have been futile and she is

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unable to assist for lack of instructions; and in fact, seeks to withdraw her Power of Attorney. Learned counsel is discharged from rendering assistance in the matter.

- 3. In peculiar premise, appeal is dismissed for non-prosecution with liberty to appellants to file application to revive proceedings.
- 4. Pending application(s), if any, shall also stand disposed of.
- 5. No order as to costs.

(ARUN MONGA)
JUDGE

March 16, 2023
mahavir

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