

RSA-1-2013 (O&M)

213

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**RSA-1-2013 (O&M)****Date of decision: May 24, 2023**

Thamman Singh

....Appellant

versus

Gurdeep Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Amandeep Singh, Advocate,
Mr. Amandeep Singh Manaise, Advocate for appellant.

Mr. Tarun Singla, Advocate for respondent.

ARUN MONGA, J. (ORAL)

Having suffered concurrent adverse findings by the two Courts below, appellant/defendant is in second appeal before this Court assailing learned trial Court judgment and decree dated 20.09.2011, as upheld by learned First Appellate Court vide its judgment and decree dated 03.10.2012. Plaintiff/respondent herein had filed suit for possession of house measuring 4 Marlas bounded as on East: Street, West: House of Vijay Kumar; North: Street and South: Street; situated in the area of village Dherian Mushtarka, Tehsil Shahkot, District Jalandhar comprised of Khasra No.3//8/3 (0-12) as per Jamabandi of the said village for the year 2002-2003. Said suit had been decreed by the learned Trial Court and defendant's appeal was dismissed as aforesaid.

2. Second appeal was filed way back in the year 2012. Appellant is stated to have died. Even earlier learned counsel who had filed the second appeal has also expired. Despite multiple opportunities, no steps have been taken to implead LRs of appellant. It appears that proposed LRs of appellant are not interested in pursuing the appeal further.

RSA-1-2013 (O&M)

3. Be that as it may, second appeal is dismissed for non-prosecution with liberty to the proposed LRs to file an application as and when they seek their substitution to pursue the appeal.
4. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

May 24, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No