

RSA-1865-2014 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**RSA-1865-2014 (O&M)****Date of decision: March 21, 2023**

Amar Singh

....Appellant

versus

Sat Pal

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. K.S. Lakhanpal, Advocate for
Mr. Anantdeep Singh Sandhu, Advocate for appellant.Mr. Chirag Girdhar, Advocate for
Mr. R.K. Girdhar, Advocate for respondent.

ARUN MONGA, J. (ORAL)

Having suffered concurrent adverse findings by the two Courts below, appellant-defendant is in regular second appeal before this Court assailing learned trial Court judgment and decree dated 19.07.2013, as upheld by learned First Appellate Court vide its judgment and decree dated 11.02.2014, decreeing the suit of plaintiff-respondent for recovery of Rs.6 lakhs with interest.

2. Appeal in hand was filed sometime in 2014 and notice of motion was issued on 11.04.2014 and operation of impugned judgments and decrees passed by Courts below was stayed. Thereafter, when it came up for hearing on 10.11.2016, appellant appeared in person and sought time to address arguments and on his request, it was adjourned. Further on 20.04.2018, none appeared on behalf of appellant and in the interest of justice, it was adjourned to 12.10.2018, when once again, none appeared and in the interest of justice, appeal was adjourned to 26.04.2019 with a caution in the order itself that no further opportunity shall be afforded. Notwithstanding when on next date of hearing, i.e., 26.04.2019, since

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lawyers had suspended the work, in the interest of justice, appeal was adjourned to 26.09.2019, when following order was passed:

“Last opportunity had been afforded to address arguments after observing that none had been appearing on behalf of the appellant. None had appeared on the last date of hearing as work was suspended by the lawyers and the appeal was adjourned in the interest of justice. Today, Mr. Amandeep Singh Gulati, Advocate appears on behalf the appellant and prays for another adjournment to address arguments. Power of attorney, filed in Court today, is taken on record subject to just exceptions. Though I was not inclined to adjourn the matter, on insistent request of learned counsel and in the interest of justice, the appeal is adjourned to 06.03.2020. It is made clear that in case there is no representation on behalf of the appellant or arguments are not addressed on the next date of hearing, interim order in the appellant's favour shall automatically stand vacated and the appellant shall be burdened with Rs.25,000/- as cost.”

- 3. *Apropos*, case was though adjourned from time to time ‘by order’ of the Court without being taken up for hearing as turn of the same perhaps did not ripen up. Today, when case is taken up for hearing, once again learned arguing counsel is stated to be unavailable and adjournment is being sought.
- 4. In the premise, appeal is dismissed with costs of Rs.25,000/-, as per aforesaid order dated 26.09.2019 for non-prosecution.
- 5. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

March 21, 2023
mahavir

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