

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

106

RSA-177-2018 (O&M)
Date of Decision : 09.08.2023

Ashok KumarAppellant

Versus

Ashok KumarRespondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Kamaljit Singh Dhillon, Advocate for the appellant.

NAMIT KUMAR, J. (ORAL)

1. The appellant has filed the instant appeal against judgment and decree dated 30.11.2016 passed by learned Additional Civil Judge (Senior Division), Kapurthala whereby suit for permanent injunction filed by the respondent/plaintiff has been allowed and judgment and decree dated 07.07.2017 passed by learned Additional District Judge Kapurthala whereby an appeal filed by the appellant/defendant against judgment dated 30.11.2016 has been dismissed.

2. On 05.03.2020, the following order was passed :-

“Challenge in the present appeal has been directed against concurrent findings recorded by the courts whereby plea of the appellant-defendant that possession of suit shop was delivered by the respondent-plaintiff, admittedly a tenant in the suit shop and litigation initiated by the appellant for his eviction, has been rejected.

Counsel for the appellant would state that since there were criminal proceedings initiated by both the parties against each other, dispute between them has been

settled by way of compromise and proceedings for quashing of FIR are pending in the High Court. He prays for time to seek instruction with regard to compromise of the dispute involved herein.

Be listed on 16.04.2020.”

3. Learned counsel for the appellant submits that although he has written a communication dated 13.03.2020 to the petitioner but the said letter has been received back as the same has not been delivered for want of correct address. Learned counsel for the appellant pleads no instructions.

4. In view of the above, the instant appeal is dismissed for non-prosecution. Liberty is granted to the appellant to move an appropriate application for revival of the appeal if any cause of action is still survives.

5. Dismissed for non-prosecution with liberty as aforesaid.

09.08.2023

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(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned

Yes/No

Whether Reportable

Yes/No