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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.5295 of 2022 (O&M)

Date of Decision: 03.10.2023

SATWINDER SINGH MANGAT

.....Appellant

Vs

BARJINDER KAUR

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present:None.

RAJ MOHAN SINGH, J.(Oral)

Notice in the application for condonation of delay as well as in the main appeal was issued on 18.01.2023, subject to deposit of Rs.35,000/- with the Registry of this Court as interim litigation expenses to be paid to the respondent.

The notice could not be issued for want of deposit of the aforesaid amount. On 13.04.2023, following order was passed by the Co-ordinate Bench of this Court:-

"As per office report, notice could not be issued as litigation expenses in terms of order dated 18.01.2023 have not been deposited.

Learned counsel for the applicant/appellant submits that he has instructions to withdraw this appeal. He prays for time to file a specific affidavit of the applicant/appellant.

At request, adjourned to 17.05.2023.

**(LISA GILL)
JUDGE**

**(RITU TAGORE)
JUDGE**

*April 13, 2023.
'om'"*

The aforesaid order was passed on the premise that learned counsel for the appellant sought time to withdraw the appeal and for that he sought time to file a specific affidavit of the appellant. Thereafter CM No.10099-CII of 2023 was filed seeking further time to deposit the amount of Rs.35,000/- in terms of order dated 18.01.2023. The application was allowed vide order dated 30.05.2023 and one week time was given to learned counsel for the appellant to deposit the aforesaid amount of Rs.35,000/-. On deposit of the said amount, notice was to be issued to the respondent for today.

As per office report, notice could not be issued to the respondent for want of deposit of the aforesaid amount of Rs.35,000/-. There is no representation on behalf of the appellant as well.

In view of aforesaid situation, this Court has no alternative but to dismiss the present appeal for non-prosecution.

Dismissed for non-prosecution.

(RAJ MOHAN SINGH)
JUDGE

(HARPREET SINGH BRAR)
JUDGE

October 03, 2023

Atik

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No