

2024:PHHC:058607
**140 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-2302-1990 (O&M)
Date of decision: 29.04.2024

Basanta (since deceased) through his LRs
....Appellant

Versus

Jeeta (since deceased) through his LRs and another
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the appellant

Mr.V.K.Jindal, Sr. Advocate with
Ms. Bhavya Vats and
Mr. Abhishek Shukla and
Mr. Pankaj Gautam, Advocates for the respondents

ANIL KSHETARPAL, J (Oral)

On 15.03.2024, the following order was passed by this
Court:-

“CM-2549-C-2024

*Allowed as prayed for, subject to all the just exceptions. The legal representatives of the deceased respondent no.2, as mentioned in para 3 of the application, are permitted to be brought on record, for the purpose of defending the present appeal.
Amended memo of parties is taken on record.*

Main case

On 19.02.2020 the following order was passed:-

*“It has come across that the earlier counsel for the appellant has since been elevated to the Bench. Let notice to the appellant as well as counsel for the respondent be issued for 16.3.2020 on which date arguments shall be positively heard.
Office to complete the records in original.”*

*However, there is no office report with regard to the status of notice to the appellant. Hence, the office is directed to once again issue notice to the appellant for 29.04.2024.
To be listed in the urgent list.”*

As per the office report, the notices issued to the legal representatives of the sole appellant have been received back unserved with the report that they are not residing at the given address.

Keeping in view the aforesaid facts, this Court is left with no choice but to dismiss the appeal for non-prosecution.

Ordered accordingly.

29.04.2024
rekha
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE