

S. No.149

2024:PHHC:061998

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA No.2096 of 1993 (O&M)

Date of Decision:06.05.2024

Kitabudin and another

.....Appellants

Vs.

Zamil (since deceased) through LRs and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None for the appellants.
Ms. Neelam Sharma, Advocate for
Mr. Hemant Bassi, Advocate for the
respondents.

DEEPAK GUPTA, J. (Oral)

Notice to the appellant No.2 has been received back duly served through his brother but there is no representation. No application has been moved to bring on record the LRs of deceased-appellant No.1.

Perusal of the record also reveals that suit of the plaintiffs (now respondents) for permanent injunction was decreed to the extent that they will not be dispossessed except in due course of law. The appeal filed by defendants No.4 and 5 (appellants herein) who had purchased the suit property from defendants No.1 to 3, was dismissed by the First Appellate Court. The present Regular Second Appeal was filed by defendants No.4 and 5 against the concurrent findings of the Courts below.

However, as has been noted above, there is no representation on behalf of the appellant No.2, who is living, and has been duly served, whereas LRs of appellant No.1 have not come forward.

The above circumstances indicate that appellants are no longer interested in pursuing this appeal.

Dismissed in default for want of prosecution.

May 06, 2024

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Whether Speaking/reasoned

Whether Reportable

Yes/No

Yes/No

(DEEPAK GUPTA)

JUDGE