

2024:PHHC:031260

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

RSA-1793-1990

Decided on :05.03.2024

Sardar Khan (since deceased) through LRs

. . . Appellant

Versus

Dalla and others

. . . Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Rajinder Goel, Advocate
for the appellant.

Mr. Dinesh Ghai, Advocate
for the respondents.

VIKAS BAHL, J.(ORAL)

1. A perusal of the paperbook would show that in the order dated 21.09.2022, steps were required to be taken for impleading the legal representatives of respondent Nos. 1 and 2.

2. On 04.05.2023, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Mr. Rajinder Goel, Advocate for the appellant.
Mr. Dinesh Ghai, Advocate for respondent
Nos. 3, 6 and 7.*

Yet again a request for an adjournment has been made by counsel for the appellant to argue the matter. Though no ground is made out to further adjourn the matter, however, in the interest of justice, adjourned to 17.07.2023, subject to payment of Rs.5,000/- as costs to be deposited with the High Court Lawyers' Welfare Fund.

04.05.2023

*Sd/-
(ALKA SARIN)
JUDGE”*

Thereafter, the matter was taken up on 09.11.2023 and the Coordinate Bench had passed the following order:-

*“Learned counsel for the appellant pleads no instructions.
Let notice be issued to the appellant for 05.03.2024.*

09.11.2023

*Sd/-
(AMAN CHAUDHARY)
JUDGE”*

As per the report of the registry, the amount of Rs.5,000/- has not been deposited till date and the appellant No. 1(i) and 1(v) have died and no one has appeared on their behalf. It is further mentioned that respondent Nos. 1 and 2 have also died. The report of the registry is reproduced hereinbelow:-

*“No cost of Rs.5,000/- has been deposited in the registry in compliance of order dated 04.05.2023.
Notice issued to appellant for 05.03.2024 received with report*

<i>Appellant 1(i) and 1(v)</i>	<i>Died</i>
<i>Appellant No. 1(ii) and 1(iv)</i>	<i>Served through brother</i>
<i>Appellant No. 1(iii)</i>	<i>Served</i>

Service report of respondents:-

<i>R No. 1 and 2</i>	<i>Died, no cm has been filed by counsel for impleading lrs</i>
<i>R No. 3</i>	<i>Represented by Mr. Dinesh Ghai adv</i>
<i>R No. 5 to 7 and 9</i>	<i>Represented by Mr. Kamal mor adv</i>
<i>R No. 8</i>	<i>Ad notice not received back served or unserved</i>

Learned counsel for the appellant has submitted that some of the respondents would not be necessary parties. It is further submitted that the present matter be disposed of at this stage but liberty be granted to the appellant to revive the present appeal after complying with the objections raised by the registry and also to move an application for exemption from serving some of the respondents.

In view of the above, the present appeal is dismissed for non-prosecution. Liberty is granted to the appellant to revive the same after complying the objections raised by the registry moreso, with respect to the cost of Rs.5,000/- to be deposited and also to bring on record the legal representatives of appellant No. 1(i) and 1(v).

It would be open to the appellant to move an application for exemption from service of any of the respondents in case the appellants wish to state that they are not necessary parties.

In case any such application is moved, the same would be considered at the said stage.

(VIKAS BAHL)
JUDGE

05.03.2024
Mehak

<i>Whether reasoned/speaking?</i>	<i>Yes/No</i>
<i>Whether reportable?</i>	<i>Yes</i> /No