

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

126

RSA-2457-1993

Date of decision: 15.04.2024

HEERA SINGH

.....Petitioner

VERSUS

RAJ SINGH & OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- None for the appellant.

Mr. Chander Pal Tiwana, Advocate for
Mr. R.S. Chahar, Advocate
for respondents No. 1 to 3.

VINOD S. BHARDWAJ, J. (Oral)

The plaintiff is in appeal against the judgment and decree dated 27.09.1993 passed by the Additional District Judge, Rohtak in Civil Appeal No. 90 of 1992 whereby the appeal filed by the respondents-defendants had been allowed and the judgment and decree dated 30.09.1992 passed by the Additional Senior Sub Judge, Jhajjar had been set aside.

It was noticed by this Court on 24.11.2023 that an application had been filed by the appellant for withdrawing the amount that was deposited pursuant to the decree of the trial Court and without prejudice to the rights in the appeal vide order dated 28.01.1994. A contention of the respondents was also noticed to the effect that the claim of the appellant would not survive in lieu of the provisions of Section 22 (5) (a) of the Punjab Pre-emption Act, 1913. However, it

RSA-2457-1993 -2-

was noticed that the Advocate representing the appellant had since then passed away. It was accordingly directed that notice be issued to the appellant for today.

It has been reported by the Registry that the sole appellant has also died. There is no representation by the LRs of the appellant despite being aware of the pendency of the present appeal. It seems that they are no more interested in pursuing the present Regular Second Appeal.

Dismissed for non-prosecution.

(VINOD S. BHARDWAJ)
JUDGE

APRIL 15, 2024
Vishal sharma

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