



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

101

RSA-2800-1993 (O&M)
Date of decision: 04.11.2024

Rajiv Kumar Sharma

...Appellant

VERSUS

Smt. Bimla Rani (since deceased) through her LRs and others

...Respondents

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

Present :- Mr. Rajinder Goel, Advocate for the appellant.

VINOD S. BHARDWAJ, J. (Oral)

The instant appeal has been preferred against the concurrent judgment and decree of the Civil Courts whereby the suit of the respondent-plaintiff for rendition of account was allowed and the appeal against the same was dismissed. Both the judgments are challenged in the present appeal on the ground of the same being contrary to law and the evidence on record.

Learned counsel appearing on behalf of the appellant contends that he is no more in contact with the appellant and that he also made an effort to locate the appellant at the address mentioned in the appeal. It was found that the appellant does not reside at the said address any more. He contends that as per the evidence recorded before the trial Court and the age reflected in the testimony of the appellant, he would already be more than 82 years of age as on date, in case he still survives. It is also pointed out that the matter pertains to the year 1981 and in the event of any process of rendition



of account being initiated, the same may not be possible at this stage since the record would be more than 40 years old and may not be traceable.

It is also noticed by this Court that Ms. Pooja Chopra, Advocate, was appearing on behalf of respondents No.1 to 3 and she last appeared on 29.07.2009. Thereafter, she has not been appearing on behalf of the said respondents, as she had pleaded that she had no instructions to defend the present appeal.

Learned counsel for respondent No.4-Mr. K.L. Suneja, Advocate, was also available on 12.10.2009, however, thereafter he has also not entered appearance. It has been reported by the Registry that membership of Mr. K.L. Suneja, Advocate, has since then been removed as he is no more an active member of the Bar Association.

Taking into consideration the totality of circumstances and noticing that the appeal relates to the year 1993 and the same has remained pending for the last more than 30 years. It appears that the appellant as well as respondents would no more be interested in pursuing the instant appeal.

The present Regular Second Appeal is thus **disposed of** at this stage, without commenting on the merits of the case, with liberty to the appellant to file an application for seeking revival of the same, in case the representatives of the respondent-plaintiff file any application for preparation of final decree or for execution of decree.

All pending civil misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

04.11.2024

Mangal Singh

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