

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

**Neutral Citation No. 2024:PHHC:057193
RSA-1734-1992 (O&M)
Date of Decision: April 26, 2024**

Gurdial Singh and another

...Appellants

Versus

Harjeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- None.

DEEPAK GUPTA, J.(Oral)

As was noticed on the last date of hearing, the counsel, who were initially representing the two parties, have already expired. Notice to both the parties were issued. Today, notice to both the appellants; as well as the sole respondent has been received with the report of unserved due to incomplete address, as reported by the Registry.

2. A perusal of the address as mentioned in memo of parties; as well as in the judgment of the Trial Court and that of the First Appellate Court would reveal that address of two parties as mentioned therein is residents of Sirhind City, Tehsil Fatehgarh Sahib, District Patiala (Punjab), which apparently appears to be incomplete without giving any details of house number and street number etc. Thus, nothing is available on record, so as to serve any of the parties.

4. Apart from above, paper book also reveals that suit of permanent injunction was filed regarding a dispute pertaining to flow of water through a drain towards the house of the plaintiff. Though, the suit was dismissed by the Trial Court on 27.01.1988, but the appeal of the plaintiff was accepted by the First Appellate Court on 09.05.1992 and the suit was decreed.

5. In the aforesaid facts and circumstances, when address of none of the parties is available and the dispute appears to be pertaining to flow of water, it is quiet possible that cause of action no longer survives. As such, present appeal is hereby dismissed in default, but with liberty to any of the parties to approach this Court for getting this appeal revived, in case, any cause of action still survives.

April 26, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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