

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

159

RSA-1882-1992

Date of Decision: 08.04.2024

RATTI AND ORS.

... Appellants

VERSUS

ILLIYAS AND ORS.

... Respondents

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

Present: Mr. Gaurav Gupta, Advocate
for the appellants.

Mr. B.R. Rana, Advocate
for respondents No.1 and 2.

Mr. Danishwar Ali, Advocate
for respondent No.3.

VINOD S. BHARDWAJ, J. (ORAL)

The appellants-defendants are in second appeal against the judgment and decree dated 20.11.1991 passed by the then Sub Judge Ist Class, Palwal in Civil Suit No.287 of 11.05.1987 seeking Permanent Injunction; as well as against the subsequent dismissal of the appeal by the then Addl. District Judge, Faridabad in Civil Appeal No.85 of 06.12.1991 decided on 12.08.1992.

The matter was taken up on 23.08.2023, however, as the counsel earlier representing the appellants had been elevated to a Bench of this Court, notice was issued to the appellant to make appropriate arrangements. On the adjourned date, notices were received back unserved with the report that fresh notice be issued on the correct address. The same was accordingly ordered to be issued through ordinary process as well as by way of affixation. The matter came up for hearing on 19.10.2023 when Mr. Munish Gulati, Advocate entered appearance and filed his memo of appearance and prayed for some time to seek instructions. The matter was then adjourned to 28.11.2023. On the said date, Mr. Gaurav Gupta, Advocate entered appearance and filed his memo of appearance on behalf of the appellants by claiming that he had been engaged recently and sought time to file his power of attorney and prayed for a short

date. The matter was hence adjourned for today i.e. 08.04.2024. Counsel for the appellants, however, prays that the power of attorney has not yet been executed in his favour by the appellants and no instructions are forthcoming. It is thus evident that despite being served, the appellants have chosen not to appear or issue instructions to the counsel engaged/instructed by them to appear on their behalf since October 2023. It seems that the appellants are not interested in pursuing the present appeal.

Dismissed for non-prosecution.

APRIL 08, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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