

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

105

RSA-1082-1991 (O&M)

Date of Order:13.02.2024

RAJA MIR MOHD. KAZIM ALI KHAN (SINCE DECEASED)
THROUGH LRS

.Appellant

Versus

STATE OF HARYANA AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None for the appellant(s).
Mr. Jaspal Singh Pannu, AAG, Haryana.

ANIL KSHETARPAL, J

1. In this appeal, the plaintiff (appellant herein) filed a suit for grant of decree of permanent injunction restraining the defendants from interfering in the proprietary rights of the plaintiff in the Lime Stone quarries merely Sherla, Tundapathar, Brome Stone etc., situated in Bhoj Mataur, bhoj Jabial, Bhoj Rajpura, Bhoj Paunta and also in the area known as Bhuind etc. popularly known as Morni Hills, in Tehsil Naraingarh, District Ambala.

2. The suit was decreed, however, the First Appellate Court partly modified the decree. The appellant filed regular second appeal in the year 1991, which came up for hearing on 12.02.2020.

3. Taking note of the fact that the appeal has come up for hearing after a period of considerable time, the court directed the office to issue notice to the parties as well as to their counsel.

4. Thereafter, on 06.11.2023, one again notice was issued to the appellant. However, as per the office report, the notices issued to the legal representatives of the appellant are still awaited from Aligarh (Uttar Pradesh). It is evident that for the last nearly 4 years, the court has been

making an attempt to serve the legal representatives of the sole appellant, however failed.

5. Nobody has come forward to press this appeal.
6. Dismissed for non-prosecution, with liberty to the appellant to file an application for revival, if they are interested.
7. All the pending miscellaneous applications, if any, are also disposed of.

February 13, 2024
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned

:YES/NO

Whether reportable

:YES/NO