

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

129

RSA-120-1991  
Date of Decision: 03.04.2024

NAVEEN CHAND JAIN

... Appellant

VERSUS

KAILASH CHAND MANGLA AND OTHERS

... Respondents

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

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Present: Mr. Aman Priye Jain, Advocate  
for the appellant.

Mr. Adarsh Jain and Ms. Kamaldeep Kaur,  
Advocates for the respondents.

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**VINOD S. BHARDWAJ, J. (ORAL)**

The appellant-defendant is in second appeal against the judgment and decree dated 31.05.1989 passed by the Sub Judge IInd Class, Palwal in Civil Suit No.539 of 1986 dated 11.08.1986 whereby the suit for possession by ejectment and recovery of Rs.3300/- was decreed with costs in favour of the respondent-plaintiff. A decree for ejectment of the appellant-defendant from the shop in dispute and for recovery of Rs.2,000/- alongwith interest @ 6% per annum was passed by the Sub Judge, IInd Class, Palwal. Appeal against the same had also been dismissed by the Addl. District Judge, Faridabad vide judgment and decree dated 22.11.1990.

Counsel for the appellant-defendant pleads that the appellant-defendant is no more in contact with him and that despite best efforts no instructions are forthcoming.

Counsel appearing on behalf of the respondent-plaintiff, on the other hand, submits that the decree in question has already been satisfied in the Execution Proceedings. Actual possession of the property has also been delivered to the respondent-plaintiff.

In view of the above, it is evident that the appellant-defendant is not interested in pursuing the case and is not issuing any instructions to the counsel appearing on his behalf.

Dismissed for non-prosecution.

**APRIL 03, 2024**  
*rajender*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

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