

IN THE PUNJAB AND HARYANA HIGH COURT AT
CHANDIGARH

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RSA-2160-1991 (O&M)
Date of Decision: 10.04.2024

GANESHA (SINCE DECEASED) THROUGH LRs.

... Appellants

VERSUS

MAMRAJ (SINCE DECEASED) THROUGH LRs.

... Respondent

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

Present: None.

VINOD S. BHARDWAJ, J. (ORAL)

CM-3678-C-2024

This is an application for bringing the LRs of the sole respondent Mamraj, who has since been died.

For the reasons mentioned in the application, the same is allowed subject to all just exceptions and the LRs, as mentioned in the application, are permitted to be brought on record. However, the same shall be for the purpose of pursuing the present appeal only and without prejudice to the rights of any third person/party.

The amended memo of parties, appended alongwith the present application, is ordered to be taken on record. Registry is directed to tag the same at appropriate place of the paper book and page mark the same.

MAIN APPEAL

The appellant-plaintiff is in second appeal against the judgment and decree dated 30.07.1991 passed by the then Addl. District Judge, Narnaul in Civil Appeal No.136 of 1987 dated 15.06.1987, whereby the judgment and decree dated 28.04.1987 passed by the Addl. Sr. Sub Judge, Narnaul in Civil

Suit No.98 of 1983 dated 26.02.1983 has been reversed while accepting the appeal and dismissing the suit of the appellant-plaintiff.

It was noticed by this Court vide order dated 24.08.2023 that the counsel for the appellant as well as the respondent have died during the pendency of the present appeal. Therefore, the Registry was directed to issue fresh notice to the appellant as well as the respondent with regard to the next date of hearing.

It has been reported by the Registry that the appellant No.1(i), 1(iv) and 1(vi) were died and no application has been filed for bringing their LR's on record. So far as the appellants No.1(ii) and 1(iii) are concerned, they were served. However, no one chose to enter appearance on the next date of hearing i.e. 11.10.2023 despite service. The matter was thereafter adjourned to 11.12.2023, however, on the said date, the matter could not be taken up and was adjourned by order for today i.e. 10.04.2024. The position remains unchanged even today as well. It seems that the appellant(s) are no longer interested in pursuing the present appeal.

Dismissed for non prosecution.

APRIL 10, 2024
rajender

(VINOD S. BHARDWAJ)
JUDGE

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