

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

118

RSA-1386-1994
Date of decision: 26.02.2024

KARNAIL SINGH (DECEASED) THROUGH LRS.
..Appellant
Versus
DHAN KAUR DECEASED) THROUGH LRS. & ORS.
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sukant Gupta, Advocate
for the appellant.

Mr. Arihant Jain, Advocate
and Mr. Kanishk Jindal, Advocate
for respondent No.2
and LRs of respondent No.13 to 16.

ANIL KSHETARPAL, J(Oral)

1. This appeal is pending for the last 30 years.
2. It is evident that the appellant has failed to complete the service of notice.
3. On 25.04.2018, the following order was passed:-

“The office reports as under:

<i>LR(I) of Respondent No.1</i>	<i>Served through brother</i>
<i>LR(II) of Respondent No.1</i>	<i>Served</i>
<i>Respondent Nos.2,10,12,18,19,20</i>	<i>Served</i>
<i>Respondent No.3</i>	<i>Married and residing with her in laws</i>
<i>R Nos.4,5,6 minor through mother</i>	<i>Served</i>
<i>Respondent No.7</i>	<i>Died, CM No.12659-C/2009 is still pending</i>
<i>R.No.8, 9</i>	<i>Gone abroad</i>
<i>Respondent No.11</i>	<i>Address is incomplete</i>

<i>LRs of R.No.13 (I), 14(I), (II),(III),15 (I) (II),(III) (i) & (ii), 16(I), II(i)</i>	<i>Represented by Counsel</i>
<i>LRs of R.No.13(II)</i>	<i>Notices issued through e-mail are still awaited</i>
<i>LRs of R.No.14 (IV), 16 II (i)</i>	<i>Residing abroad</i>
<i>LRs of R.No.14 V (i)</i>	<i>Served</i>
<i>LRs of R.No.14 V (ii)</i>	<i>Served through Brother</i>
<i>LRs of R.No.15 (iv)</i>	<i>Not residing at given address</i>
<i>R.No.21</i>	<i>Not residing at given address</i>
<i>R.No.17,22</i>	<i>Died</i>

As per aforesaid report, LR (I) & (II) of respondent No.1, respondent No.4,5,6,10,12,14 V(i) (ii),18,19 & 20 have been served but none has caused appearance on their behalf. Respondent Nos.7, 17 & 22 are reported to have died. Rest of the respondents could not be served for want of their complete addresses as some of them have gone abroad.

Service qua LRs of respondent Nos.13 to 16 is not required in view of law laid down by Hon'ble Supreme Court in Sardara Singh and Anr. Vs. Harbhajan Singh and Ors, 1974 AIR (Punjab) 345 and the same is dispensed with at this stage.

Let fresh notices be issued to respondent Nos.8,9 & 11 on furnishing of their correct addresses within three weeks from today, for 21.5.2018.”

4. Thereafter, on 03.03.2023 and 01.05.2023, the following order were passed:-

“03.03.2023
As per report by the Registry, respondents No. 8, 9, and 11 not served. Respondents No 8 and 9 are reported to have gone abroad whereas respondent No. 3 is not available at the given address. Let their correct latest addresses be furnished by counsel for the appellant and thereafter notices be issued to them on such addresses as per Registered A.D. Post and Courier Service for 1.5.2023.”

01.05.2023
“Last order has not been complied with. Some more time is requested. Allowed. Let the needful be done by the next date of hearing, fixed as 06.07.2023.”

5. The office report reads as under:-

<i>Lr of sole appellant</i>	<i>Died</i>
<i>Lrs of R. No.1 (i, ii)</i>	<i>Served</i>
<i>R. No.2</i>	<i>Represented by counsel Sh. Arun Jindal</i>
<i>R. No.4 to 6 minor through R. No.1</i>	<i>Already died, Lrs are already impleaded iin the capacity of R. No.1</i>
<i>R. No.7</i>	<i>Died, CM No.12659-C of 2009 is still pending for impleading of Lrs</i>
<i>R. No.10</i>	<i>Refused to accept notice in the present of watchman</i>
<i>R. No.12, 17, 18, 19, 20, 22</i>	<i>Died</i>
<i>Lrs of R. No.13 to 16</i>	<i>Services dispensed with at this stage vod 25.4.2018</i>
<i>R. No.21</i>	<i>Not residing at the given address</i>

Fresh notices could not be issued to R. No.3, 8, 9 and 11 as counsel did not furnish their correct address so far.
Earlier Ld. counsel Sh. Arun Jindal and Sh. Sukant Gupta have been informed through email.
Lower Court’s records have been returned vide this court’s letter No.430-RSA dated 25.5.2023 and same have been available on DMS.”

6. The learned counsel representing the appellant submits that he has made sincere attempts, however, failed to contact the legal representatives of the appellant.

7. Hence, dismissed for non-prosecution.

8. All the pending miscellaneous applications, if any, are also disposed of.

February 26th, 2024

(ANIL KSHETARPAL)
JUDGE