

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

(139)

**2024:PHHC:030364
RSA-1274-1991(O&M)
Date of Decision: 04.03.2024**

Vijay Singh

--Appellant

Versus

Mehar Singh

--Respondent

CORAM:- HON'BLE MR. JUSTICE VIKAS BAHL.

Present:- None for the appellant.

Mr. H.S. Bajwa, Advocate for the respondent.

VIKAS BAHL.J (Oral)

1. Defendant has filed the present second appeal challenging the concurrent judgement dated 15.02.1991, passed by the Sub Judge First Class, Rohtak as well as the judgement dated 8.5.1991 passed by the Additional District Judge, Rohtak vide which suit for possession of agricultural land filed by the plaintiff by way of pre-emption claiming pre-emption right was decreed and the appeal filed by the defendant/appellant from the same was dismissed.
2. On 18.11.2022, a Coordinate Bench of this Court was pleased to pass the following order:-

“Present: None.

As per report of the registry, the sole appellant-Vijay Singh has since expired. Notice sent to Sh. Anil Rathee, Advocate and Sh. Kulvir Narwal, Advocate through e-mail has not been responded. Respondent No. 1(i) and 1(ii) are also reported to have died. Respondent No. 1 (iii) and 1(iv) are duly served through his brother which is valid service. Respondent No.1(iii) 1(iv) are proceeded ex parte. Fresh notice to learned

counsels, who were representing appellant as well as respondent be issued for 12.04.2023.

November 18, 2022

Sd/-
(DEEPAK GUPTA)
JUDGE”

3. On 21.08.2023 no one appeared on behalf of the appellant and on 31.10.2023 a prayer was made for granting time to implead the L.Rs of appellant. Even today none has appeared on behalf of the appellant nor any application for bringing on record the L.Rs of appellant has been filed.

4. Learned counsel for the respondent has submitted that in all probability the appellant has lost interest in the matter inasmuch as it was the respondent who was in possession of the property in question and even pre-emption money has been withdrawn by the appellant.

5. In view of the above facts and circumstances, present appeal is dismissed for non-prosecution with liberty to the appellant/his L.Rs to move an application for revival of the present appeal in case any cause of action survives in the same.

(VIKAS BAHL)
JUDGE

04.03.2024

lucky

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No