

RSA-1235-1995 (O&M)

-1- 2024:PHHC:005867

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

RSA-1235-1995 (O&M)

Date of Decision: 16.01.2024

Nirmla Devi

.... Appellant

Versus

Shashi Bala and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the appellant.

Mr. Nipun Verma, Advocate for
Mr. Mani Ram Verma, Advocate for the respondents.

NIDHI GUPTA, J. (ORAL)

This is the defendant/appellant's second appeal against the judgment and decree dated 07.03.1995 passed by the Ist Appellate Court, vide which the appeal filed by the plaintiff/respondents herein, was allowed, reversing the judgment and decree dated 03.02.1993 rendered by the learned trial Court, dismissing the plaintiff-respondents 'suit for possession'.

There is no representation on behalf of the appellant.

Perusal of the file shows that on 19.10.2023, when this case was listed for hearing, none put in appearance on behalf of the appellant and the Registry was directed to issue actual date notice to the appellant for today i.e. 16.01.2024, through registered post/A.D.

Pursuant thereto, as per office report dated 11.01.2024 notice issued to the appellant has been received back unserved 'due to

incomplete details’.

In the aforesaid premise, issuance of fresh notice to the appellant would be a futile exercise. It appears that due to sheer long pendency of the present second appeal before this Court for a period of more than 28 years, the defendant/appellant, has lost interest in pursuing the same, as no attempt has been made by her to contact her previous counsel or to engage a new counsel.

Be that as it may, in view of the foregoing circumstances, the instant regular second appeal is dismissed for non-prosecution, with liberty to the appellant, to move an appropriate application within a period of 06 months from today for reviving the same, if so, advised.

Pending application(s), if any, also stand disposed of.

16.01.2024
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(NIDHI GUPTA)
JUDGE

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