

RSA-1197-1996 (O&M)

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2024:PHHC:002849

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

204

RSA-1197-1996 (O&M)

Date of Decision: 10.01.2024

M/s Mode Prints Private Ltd.

.... Appellant

Versus

Haryana Urban Development Authority

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None.

NIDHI GUPTA, J. (ORAL)

This is the plaintiff/appellant's second appeal against the judgment and decree dated 16.02.1996 passed by the Ist Appellate Court, vide which the appeal filed by the defendant/respondent herein, was partly allowed modifying the judgment and decree dated 19.05.1995 rendered by the learned trial Court to the extent that 'notice dated 24.11.1988 (Ex. P-4) was declared to be illegal, null and void. The demand of Rs.5,67,650/- having been raised by the defendant/respondent herein as development charges with respect to the land detailed in para 2 of the plaint was declared to be legal and the penalty sought to be charged by the defendant was also declared to be null and void'.

There is no representation on behalf of the appellant.

Perusal of the file shows that on 20.11.2023, when this case was listed for hearing, following order was passed by this Court:

“The matter has come up for hearing after the year 1996.

As per office report dated 17.11.2023, Mr. R.S. Chahar, learned counsel for the respondent-HUDA has been informed about the date fixed through e-mail. However, none has put in appearance on its behalf.

Learned counsel appearing for the appellant submits that the learned arguing counsel for the appellant has now been appointed in the office of learned Advocate General, Haryana. He further submits that he is not able to establish contact with his client. Thus, it is prayed that notice be issued to the appellant.

In view of the above and in the interest of justice, let actual date of hearing notices be issued to the appellant as well as the respondent for 10.01.2024. Registry shall also make an effort to effect service upon both the parties through the SHO of the concerned area, so that effective steps can be taken to dispose of the matter.”

Pursuant thereto, as per office report dated 09.01.2024, notice issued to the sole appellant has been received back unserved ‘for want of complete address’; whereas notice issued to respondent-HUDA has been received back served through Clerk. However, none has put in appearance on behalf of the respondent.

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 27 years, the plaintiff/appellant, has lost interest in pursuing the same, as no attempt has been made by it to contact its 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 03 months from today for reviving the same, if so, advised.

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

10.01.2024
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(NIDHI GUPTA)
JUDGE

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