

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-2830-1997 (O&M)

Date of Decision: 16.01.2024

Jugal Kishore

.... Appellant

Versus

Hukam Chand Jand

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None.

NIDHI GUPTA, J. (ORAL)

After remaining unsuccessful before both the Courts below, the plaintiff/appellant, has filed the instant Regular Second Appeal, against the judgment and decree of Ist Appellate Court dated 12.05.1997, affirming the judgment and decree of the trial Court dated 14.12.1994, whereby the 'suit for recovery' filed by the plaintiff/appellant was decreed for a sum of Rs.10,000/-, instead of Rs.1,00,000/-.

Perusal of the file shows that lastly, this case was listed before the Daily Pre-Lok Adalat on 22.05.2012 and following order was passed:-

"Notice was ordered to issue both to the appellant and respondent. Learned counsel representing the sole appellant has since died. The notice issued to the appellant has been received back with a report that the appellant is not residing at the given address. Notice issued to the respondent has been received back with the report that the respondent has since died.

In the above situation the appeal cannot be decided on merits and will have to be dismissed in default for non-prosecution.

This appeal may be listed before Hon’ble Judge for final disposal after obtaining appropriate orders from Hon’ble the Chief Justice.”

Office report dated 13.01.2024, reveals that learned counsel earlier representing the appellant has since expired. Notice issued to the sole appellant has been received back unserved with the report that ‘not residing at the given address and his General Attorney has died’. It has further been reported that the sole respondent had also died.

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 25 years, the plaintiff/appellant, has lost interest in pursuing the same, as no attempt has been made by him or his attorney to contact his 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