

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**208**

RSA-16-1997 (O&M)

Date of Decision: 08.01.2024

Smt. Pushpa Devi

.... Appellant

Versus

Udhey Singh and others

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - None for the appellant.

Mr. Ashish Gupta, Advocate for  
Mr. Prateek Mahajan, Advocate for respondent No. 1.

Service of respondent No. 2 already dispensed with  
vide order dated 20.11.2006.

Names of respondents No. 3 to 17 were deleted from the  
array of respondents vide order dated 25.07.2003.

**NIDHI GUPTA, J. (ORAL)**

After remaining unsuccessful before both the Courts below,  
defendant No. 7-Pushpa Devi/appellant herein, has filed the instant  
Regular Second Appeal, against the judgment and decree of Ist Appellate  
Court dated 27.07.1996, affirming the judgment and decree of the trial  
Court dated 24.01.1990, whereby the 'suit for declaration' filed by  
plaintiff/respondent No. 1 herein was decreed.

As per office report dated 23.12.2023, learned counsel for  
the appellant has been duly informed about the date fixed. However,  
none has put in appearance on their behalf.

Perusal of the order sheets shows that since the year 2018  
this appeal has been listed for hearing for 08 times and on 04 dates i.e.

02.02.2018, 21.03.2018, 05.09.2023 and 15.09.2023, the case was adjourned at the request of learned counsel for the appellant. Further, on remaining 04 dates i.e. 22.02.2018, 04.12.2019, 10.12.2019 and 28.07.2023 the case was adjourned as the appellant had gone un-represented.

In the aforesaid premise, issuance of fresh notice to the appellant or her legal representatives 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 26 years, the appellant or her legal representatives have lost interest in pursuing the same, as none has put in appearance on their behalf today, despite the fact that learned counsel for the appellant(s) has been duly informed about the date fixed.

In view of the above, this Court is left with no other option except to dismiss the instant regular second appeal for non-prosecution.

Ordered accordingly.

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

**08.01.2024**

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**( NIDHI GUPTA )**

**JUDGE**

|                                  |               |
|----------------------------------|---------------|
| <b>Whether speaking/reasoned</b> | <b>Yes/No</b> |
| <b>Whether Reportable</b>        | <b>Yes/No</b> |