

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

RSA-1613-1999 (O&M)
Date of decision: 03.04.2024

Kulwant Singh
.....Appellant

Versus

Kuldip Singh Bhattal and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: None for the appellant.

Mr. Teevar Sharma, AAG, Punjab.

None for respondents No.1 and 5.

NAMIT KUMAR J. (Oral)

The appellant has filed the instant regular second appeal against the judgment and decree dated 12.09.1995 passed by learned Sub-Judge Ist Class, Chandigarh, whereby suit for declaration filed by respondent No.1/plaintiff has been allowed and the judgment and decree dated 06.05.1999, passed by learned Additional District Judge, Chandigarh, whereby the appeal preferred by the State as well as cross-objections filed by the appellant/defendant No.4, was dismissed.

The plaintiff/respondent No.1 had filed a suit for declaration to the effect that he is senior to defendants No.4 to 6 and seniority list issued by respondents No.1 to 3 on 28.09.1984, declaring the plaintiff junior to defendants No.4 to 6, is illegal and void and against the provisions of the Rules and Instructions issued by defendants No.1 to 3 and the plaintiff be declared senior to defendants No.4 to 6.

On 16.11.2012, the following order was passed by the
Daily Pre-Lok Adalat:-

“Present: None.

This appeal is of the year 1999 and was admitted on 15.01.2001. The appeal was directed to be set down for final hearing within six months.

Mr. K.K. Jagia, learned counsel for the appellant and Mr. Ravinder Chopra, learned counsel for the respondent have since died.

Actual date notice was ordered to issue to the appellant and to Mr. Anurag Chopra, Advocate son of Mr. Ravinder Chopra, Advocate for today for appearing before the Pre Lok Adalat.

It has been reported that the appellant has since retired from service and Mr. Anurag Chopra has not put in appearance. There is no address of the appellant on the record of this file and thus, there is no way to serve him or apprise him about the pendency of this appeal.

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

As per office report, notices issued to the appellant and private respondents could not be served for want of complete address or otherwise.

The matter is pending since year 1999 and was admitted on 15.01.2001. The dispute relates to inter se seniority between the plaintiff/respondent No.1 and appellant/respondent No.5 and the appellant has already retired from service and by now, the respondents must have retired from service and it is not possible to serve the appellant as well as private respondents as their addresses are not available on the record.

Accordingly, the present appeal is dismissed for non-prosecution with liberty to the parties to revive this appeal, if any cause of action still survives.

(NAMIT KUMAR)
JUDGE

03.04.2024

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No