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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

RSA-149-2001 (O&M)
Date of Decision: 17.05.2024

Om Prakash (deceased) through his LRs

....Appellant

Versus

Vinod Kumar Gupta and others

....Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : None for the appellant.

Mr. Animesh Sharma, Advocate
for respondents No.1 to 4.

Mr. Jagjot Singh, Advocate
for respondents No.10 and 12.

HARSH BUNGER, J. (Oral)

1. Prayer in the present appeal is for setting aside of the judgments and decrees dated 28.11.1992, passed by Sub Judge, Ist Class, Gurgaon and dated 26.08.2000, passed by the Additional District Judge, Gurgaon.

2. On 09.02.2024, the following order was passed:

“Mr. Jagjot Singh, Advocate appears and files Memorandum of Appearance on behalf of respondents No. 10 and 12 in Court today itself, which is taken on record subject to all just exceptions. He seeks time to file Vakalatnama on behalf of respondents No. 10 and 12.

Learned counsel for appellant submits that infact he was

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telephonically instructed to appear in the matter. Even when the matter was listed on 14.11.2022, he appeared by submitting his Memorandum of Appearance and thereafter, he has not been able to contact the appellant and, therefore, he submits that he has no instructions in the matter.

In view of above, let fresh notice be issued to appellant for 10.05.2024.

Vakalatnama on behalf of respondents No. 10 and 12 be filed before next date of hearing.”

3. As per the office report, appellant No.1 (i) has been served through his brother and service in respect of appellant No.1 (ii) to 1 (v), it is reported that they are not residing at the given address and the summons have been received by some Mahesh (relative).

4. Today, there is no representation on behalf of the appellant.

5. It appears that the appellant is no more interested in pursuing the present appeal.

6. In view of the above, the appeal is dismissed for non-prosecution.

7. All pending application(s), if any, shall also stand closed.

17.05.2024*Himani***(HARSH BUNGER)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No