



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

215

RSA-2002-2012

Date of Decision:06.09.2024

MAHABIR**....Appellant(s)****Versus****BHADUR AND ORS****.....Respondent(s)****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: None for the appellant.

Mr. Rahul Vohra, Advocate, for
Mr. Aditya Jain, Advocate,
for respondents No.2 to 8.

DEEPAK GUPTA, J. (Oral)

1. There is no representation on behalf of the appellant. Notice sent to the sole appellant received back with the report that he has since expired. Nobody has come forward on behalf of the legal representatives of the appellant to pursue this appeal.

2. Apart from the above, perusal of the paper-book would reveal that suit for possession with consequential relief of permanent injunction regarding property in dispute as filed by the sole plaintiff Mahabir (appellant herein) was dismissed by the trial Court on 20.02.2010. The said judgment was affirmed by the first appellate Court on 03.02.2012 and thus the appellant-plaintiff approached this Court against the concurrent findings of the Courts below. As has been noticed that the appellant has expired and none of his LRs has come forward to pursue the appeal.

- 3. In the aforesaid circumstances, the present appeal is dismissed in default for want of prosecution.
- 4. However, it is made clear that the LRs of the appellant would be at liberty to get the appeal revived, in case cause of action still survives.
- 5. Pending application(s), if any, also stand(s) disposed of.

(DEEPAK GUPTA)
JUDGE

September 06, 2024
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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No