

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

FAO No.3229 of 2012 (O&M)

Date of decision: 6.9.2019

Surinder Mohan Sharma

....Appellant

VERSUS

Prem Lata Sharma and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: None for the appellant.

Mr. Sudeep Mahajan, Advocate for the respondents.

REKHA MITTAL, J.(Oral)

Case called out twice but there is no representation on behalf of the appellant despite the appellant being given another opportunity to make submissions on 15.07.2019. A relevant extract therefrom reads as follows:-

“Counsel for the appellant prays for an adjournment on the pretext that the appellant has since passed away and he wants to implead his legal representative(s).

There is no requirement in law that legal representative(s) of the appellant (since deceased) must be impleaded in the circumstances that he is being represented by a counsel.

In the interest of justice, another opportunity is allowed to make submissions.

Counsel for the parties may inspect the records before making submissions.

List on 06.09.2019 for arguments.”

Regular Second Appeal cannot be decided in absence of representation on behalf of the appellant. In the given circumstances, there is no alternative with the Court except to dismiss the appeal for non-prosecution.

Ordered accordingly.

SEPTEMBER 6, 2019

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No