

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****261****RSA No.2128 of 2017 (O&M)****Date of Decision : 22.05.2024**

Janak Dulari

....Appellant

VERSUS

Anuradha

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. K.S. Dadwal, Advocate for the appellant.

Ms. Ekta Thakur, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. On 16.11.2017 the following order was passed :

“The dispute is between the appellant/plaintiff-mother and her daughter-defendant/respondent. The mother had executed a registered sale deed dated 10.06.1996 in respect of residential house in favour of her daughter/defendant. Subsequently, it is alleged that the daughter has started maltreating the aged mother/plaintiff, hence, the suit for declaration of ownership and challenge to the sale deed. Both the Courts below have recorded concurrent findings against the appellant-mother.

However, on the plea of the appellant-plaintiff for residing in the premises till her death, it is deemed



necessary to summon the respondent for an amicable settlement.

Notice of motion for 10.05.2018.

In the meanwhile, status quo regarding possession of the premises shall be maintained.”

2. Learned counsel for the appellant states that the appellant has since died and his legal representatives have not come forward to be impleaded as a party and that he has no instructions in the matter.

3. In view of the above, this Court is left with no other option but to dismiss the present appeal for non-prosecution.

4. Dismissed for non-prosecution with liberty to revive in case anything survives in the matter. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

22.05.2024
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO