

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

116

RSA-889-2019 (O&M)
Date of decision: 30.04.2024

Aashish Kumar

...Appellant

Versus

Ramesh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Saurabh Dalal, Advocate for the appellant.

VIKAS SURI, J. (Oral)

1. On 20.03.2024, the following order was passed:-

“This Regular Second Appeal has been preferred against the judgment and decree dated 16.09.2016 and 11.09.2018 passed by the trial Court and lower appellate Court, respectively.

In a suit for possession by way of partition, the trial Court has passed preliminary decree and appeal preferred thereagainst was dismissed by the first appellate Court. More than six years have passed since then. On a query of the Court, learned counsel for the appellant seeks time to have instructions whether the final decree has been passed or not, in the absence of any stay order.

At request, adjourned to 30.04.2024.”

2. On resumed hearing today, learned counsel for the appellant submits that he has not been able to contact his client as his contact number has changed. He further submits that the counsel who had represented the appellant before the First Appellate Court, is also not in

touch with the appellant. Learned counsel for the appellant, in the aforesaid circumstances, pleads no instructions. However, he submits that the trial Court while decreeing the suit had observed as under:-

“It is made clear that during the passing of final decree the possession of the co sharers will be kept into consideration and as far as possible the final decree would be passed after considering the same.”

- 3. In the light of the above, the present appeal is dismissed for want of prosecution.
- 4. However, liberty is granted to the appellant to seek revival of the same in case any cause of action still survives in the matter.

April 22, 2024
sumit.k

(VIKAS SURI)
JUDGE

Whether speaking/reasoned :	Yes / No
Whether Reportable :	Yes / No