2025:HHC:4603

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

OSA No. 3 of 2018
Decided on: 04.03.2025

M/s G.D. Engineering Construction .....appellant

Versus

State of H.P. and Another ...respondents

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.
Hon'ble Mr. Justice Ranjan Sharma, Judge.

Whether approved for reporting?[1]

For the appellant: None.

For the respondents: Mr. Anup Rattan, Advocate General with Mr. Gobind Korla, Additional Advocate General.

G.S. Sandhawalia, Chief Justice *(Oral)*

The present appeal is directed against the judgment and decree dated 11.01.2018, whereby the suit for damages has been dismissed by the learned Single Judge. There was deficiency in

[1] *Whether the reporters of Local Papers may be allowed to see the judgment?*

Court fees and accordingly on 29.05.2018, the appellant who was appearing in person, sought time to make good the same and the matter was adjourned to 17.09.2018. On the said date, an application bearing No.8985 of 2018 has been filed for extension of time for depositing the Court fees, which was allowed and three months' time was granted to deposit the Court fees. The matter was listed on 16.03.2019. On 16.03.2019, the appellant was not present and the notice was issued to the appellant for 01.05.2019 qua deficiency of the Court fees to be made good. On 01.05.2019, the matter was listed and adjourned *sine die.*

2. The matter was then taken up after a period of five years on 17.10.2024 and notice was issued to the appellant. As per the office report, the appellant is not residing at the given address. In such circumstances, it is thus apparent that the appellant has lost interest to pursue the litigation and not deposited the requisite Court fees inspite of taking extension.

3. Thus, we are left with no other option, but to dismiss the appeal for non-prosecution.

(G.S. Sandhawalia)
Chief Justice

March 04, 2025
(ankit)

(Ranjan Sharma)
Judge