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

RSA No.1544 of 1990 (O&M)

DATE OF DECISION: 08.05.2023

Jagir Singh**...Appellant****Versus****Rajbir Singh and others****...Respondents****CORAM : HON'BLE MR. JUSTICE ARUN MONGA**

Present : None for the appellant.

ARUN MONGA, J. (ORAL)

Having suffered adverse concurrent findings by two Courts below, defendant No.1/appellant herein is in second appeal against the judgment and decree dated 08.01.1988 passed by learned trial Court, as upheld by learned First Appellate Court vide its judgment and decree dated 13.03.1990. Both the Courts below decreed the suit in favour of plaintiff/respondent No.1 declaring that plaintiff is owner in possession of land measuring 0-11 marlas 6 sarasahi out of Khasra/Rect. No.7/9/2/2 total measuring 7 Kanals 9 Marlas vide registered sale deed No.244 dated 29.04.1983 and the revenue entries showing defendant No.1 (appellant herein) as owner of whole of the land in Khasra/Rect. No.7/9/2/2 are illegal, void, ineffectual and mutation No.476 sanctioned in favour of defendant No.1 is collusive, void, ineffectual, illegal and inoperative *qua* the rights of plaintiff.

2. Matter was taken up for hearing on 01.02.2023, when none appeared for appellant. Service upon respondent No.1 could not be effected because on the given address, as per memo of parties, house was

found to be locked. Respondents No.2 and 3 are stated to be pro forma have died.

3. In the premise, matter was adjourned for taking steps to serve legal heirs of appellant as well as respondents No.2 and 3. Registry was also asked to inform learned counsel for appellant regarding the next date of hearing. As per office report, Ms. Kulwant Kaur Kahlon, Advocate was informed via e-mail.

4. On resumed hearing today, neither there is any representation on behalf of appellant nor any steps have been taken to serve the unserved respondents. It appears that appellant may have lost interest in pursuing the instant appeal since the same was filed way back in the year-1990.

5. In the premise, instant appeal is dismissed in default.

6. Pending applications, if any, shall also stand disposed of accordingly.

MAY 08, 2023
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether reportable :

Yes/No