



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

212

RSA-1296-1998 (O&M)

Date of Decision: 15.01.2025

M/s. Dashmesh Ice Candy Factory

.... Appellant

Versus

Balbir Raj

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Armaan Saggar, Advocate for the appellant.

Mr. D.V.Sharma, Sr. Advocate with
Mr. Arshdeep, Advocate for respondent No.1.

NIDHI GUPTA, J. (ORAL)

The defendant has laid challenge to the impugned judgment and decree dated 10.01.1998 passed by learned Additional District Judge, Jalandhar whereby the appeal filed by the respondent-plaintiff has been accepted and the judgment and decree dated 17.04.1995 passed by learned Sub Judge 1st Class, Nawanshahr has been set aside.

Learned Senior Counsel representing the respondent/plaintiff submits that the learned trial Court had dismissed the suit of the plaintiff for recovery of Rs.70,000/-. However, the learned first Appellate Court, vide judgment and decree dated 10.01.1998, had decreed the suit of the respondent for Rs.70,000/- (Rs.51,500/- as principal amount + Rs.18,500/- as interest) with pendente-lite and future interest @ 6% per annum on the principal amount.

Learned Senior Counsel for the respondent/plaintiff further submits that the respondent/plaintiff has recovered the said amount.



Moreover, he, on instructions, submits that M/s. Dashmesh Ice Candy factory the Appellant-Defendant no longer exists. He, accordingly submits that nothing survives in the present appeal and the same may be disposed of as such.

Learned counsel for the appellant submits that this is the matter of the year 1998 and she has not been able to establish contact with the appellant. It is accordingly prayed that fresh notice be issued to the appellant.

Heard.

In view of the facts as noted above, it can safely be presumed that nothing survives in the present appeal as no effort has been made by the Appellant-Defendant to contact their counsel and therefore, the appellant is not interested in pursuing the present appeal.

Accordingly, the present appeal is dismissed. However, in case anything survives, liberty is granted to the appellant to revive the same within a period of 2 months from today, if so advised.

Pending application(s), if any, stand(s) disposed of.

Registry is directed to send a copy of this order to the parties.

15.01.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

**Whether speaking/reasoned:
Whether reportable:**

**Yes/No
Yes/No**