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

CM-INCOMP-601-2024 in/and
RSA-3363-1998 (O&M)
Date of decision: 10.02.2025

State of Haryana and others

...Appellants

Versus

Sarwan Devi (deceased) through LRs

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Jagdish Manchanda, Addl. A.G. Haryana,
for the appellants.

VIKAS BAHL, J. (ORAL)

CM-INCOMP-601-2024

1. The present case was filed in the registry and the registry had raised certain objections which were not removed by the learned counsel.
2. As per Rule 9, Chapter 1, Part-A, Volume V. Punjab and Haryana High Court Rules and Orders, a case wherein objections have been raised by the Registry, the same is to be taken back by the counsel/party concerned, to be re-filed within a period of 40 days.
3. Since the case file was not taken back for doing the needful by the learned counsel concerned, despite a specific note having been given in the cause list requesting the counsel to collect the case file for removal of objections, the Registry has listed this incomplete application before this Court.
4. In view of the fact that no steps were taken by the counsel concerned for re-filing of the case after removal of objections, no order is called for on the judicial side and the instant incomplete application stands disposed of. Registry is directed to weed out the incomplete application as per



the Rules.

Main case

1. The husband of the respondent had filed a suit in the year 1993 for declaration to the effect that he be granted all arrears of pension, gratuity and other pensionary benefits for the period mentioned in the plaint. The said suit of the plaintiff was dismissed and on appeal filed by the respondent, judgment and decree of the trial Court was set aside and the suit of the plaintiff was decreed.

2. On 19.08.1999, after recording that the respondent had been served, the matter was admitted and the operation of the impugned judgment was stayed. On the said date, no one had appeared on behalf of the respondent. On 27.02.2024, an application was filed for bringing on record the LRs of the respondent-deceased who is stated to have died. Even thereafter, no one has put in appearance on behalf of the respondent.

3. Learned counsel for the appellants has submitted that as per his instructions, in view of the same, the present appeal be disposed of at this stage but in case the LRs of respondent approach the concerned office claiming any benefit of the judgment passed by the First Appellate Court, then they be granted liberty to revive the present appeal.

4. In view of the above, the present appeal is disposed of at this stage with liberty aforesaid.

5. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

10.02.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No