

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119

RSA-990-1990
Decided on :05.03.2024

Bhati and others
Versus
Roshan and others
... Appellants
... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL
PRESENT: Mr. Jayant Yadav, Advocate for
Mr. P. R. Yadav, Advocate
for the appellants.

Mr. Rajinder Goel, Advocate for
Mr. Ajay Jain, Advocate
for respondent No. 1.

VIKAS BAHL, J.(ORAL)

1. On 09.03.2023, learned counsel for the appellants had sought time to bring on record the legal representatives of the deceased respondents No. 11(i) and 11 (iii) and also sought time to furnish correct address of alive but unserved respondents. The relevant portion of the said order is reproduced hereinbelow:-

“RSA-990-1990(O&M)

Learned counsel for the appellants seeks time to bring on record the legal representatives of the deceased respondents No.11(i) and 11(iii), as well as, seeks time to furnish correct addresses of alive but unserved respondents No.10(1), 10(ii), 10(v), 11(iv), 11(v) and 11(viii).

Let fresh notice be issued to the unserved respondents for 25.07.2023, on furnishing of fresh process fee/correct addresses by the learned counsel for the appellants; within a period of four weeks from today.

Necessary application for bringing on record the legal representatives of the deceased respondents No.11(i) and 11 (iii) be also filed, in the meantime.

*Sd/-
(RAJBIR SEHRAWAT)
JUDGE”*

09.03.2023

2. As per report of the registry, LRs of the deceased respondent Nos. 11(i) and 11(iii) has still not been brought on record. The relevant portion of the said report is reproduced hereinbelow-

<i>R No. 10(i), 10(ii), 11(v)</i>	<i>Fresh notice could not be issued for want of correct address/process fee</i>
<i>R No. 10(v)</i>	<i>Fresh notice could not be issued for want of correct address/process fee</i>
<i>R No. 11(i), 11(iii)</i>	<i>Died, no cm application has been filed by ld counsel</i>
<i>R No. 11(iv)</i>	<i>Fresh notice could not be issued for want of correct address/process fee</i>
<i>R No. 11(viii)</i>	<i>Fresh notice could not be issued for want of correct address/process fee</i>

3. Learned counsel for the appellants has submitted that the present appeal may be dismissed for non-prosecution but liberty may be granted to the appellants to revive the appeal, in case, any cause of action survives alongwith the application for bringing on record the LRs of respondents No. 11(i) and 11(iii).

4. In view of the above facts and circumstances, present appeal is dismissed for non-prosecution with liberty to the appellants to move an application for revival of the present case, in case, any cause of action survives in the same after complying with the objections of the registry and doing the needful.

(VIKAS BAHL)
JUDGE

05.03.2024

Mehak

*Whether reasoned/speaking?
Whether reportable?*

*Yes/~~No~~
~~Yes~~/No*