



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

213

RSA-3444-2012 (O&M)

Date of Decision: 21.04.2025

Mal Singh

.... Appellant

Versus

Nachhattar Singh and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. SS Siao, Advocate for the appellant.

Mr. Rampal Verma, Advocate for respondents No. 1 and 2.

NIDHI GUPTA, J. (ORAL)

The appellant-plaintiff is in second appeal against the concurrent findings of both the Courts below whereby the suit for declaration filed by the plaintiff was dismissed.

Perusal of the order-sheet(s) shows that the matter pertains to the year 2012 and notice of motion in the present appeal was issued by a co-ordinate Bench on 11.02.2013 and the parties were directed to maintain *status quo*. Thereafter, vide order dated 18.11.2016, the appellant was directed to deposit ₹2500/- as costs to the Blind School, Sector-26, Chandigarh.

As per office report, the aforesaid order has not been complied with till date. Further perusal of order sheets reveals that service in the present appeal stands completed on 06.09.2013. Thereafter, the present appeal was listed for 04 times i.e. on 13.10.2014, 04.02.2015, 20.07.2015 and 22.04.2016; out of which except on one date i.e. 13.10.2014, the same was adjourned at the request of learned counsel for respondents No. 1 and 2; and on the remaining 03 dates the case was



adjourned either at the request of learned counsel for the appellant or on account of non-appearance on behalf of the appellant.

Learned counsel for the appellant very fairly admits that the order dated 18.11.2016, has not been complied with and submits that it was only at the time of filing of the present second appeal that the appellant had approached him and thereafter, despite repeated phone calls and letters written to the appellant, no response has been received from him till date. It is further submitted by learned counsel for the appellant that he had also contacted the Advocate representing the appellant before the Courts below, who had also informed that he is not in touch with the appellant.

In the aforesaid premise, issuance of fresh notice to the appellant would be a futile exercise. It appears that due to sheer long pendency of the present second appeal before this Court for a period of more than 12 years, the appellant has lost interest in pursuing the same, as no attempt has been made by him to contact his counsel or to engage a new counsel.

Be that as it may, in view of the foregoing circumstances, this Court is left with no other option except to **dismiss** the instant regular second appeal for non-prosecution.

Ordered accordingly.

Pending application(s), if any, shall stands disposed of.

21.04.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No