



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

239

RSA-2581-2015 (O&M)

Date of Decision: 05.08.2025

Gurdeep Singh

.... Appellant

Versus

Tarlochan Singh

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Anil Chawla, Advocate for the appellant.

Mr. HS Bedi, Advocate for the respondent.

NIDHI GUPTA, J. (ORAL)

1. Appellant-plaintiff is in second appeal against the concurrent findings rendered by both the Courts below whereby his suit for specific performance of Agreement to Mortgage dated 07.02.2003 was dismissed.
2. The matter pertains to the year 2015; and notice of motion was issued by a co-ordinate Bench of this Court as far as back on 12.02.2016.
3. On 08.01.2025, when this case was listed for hearing before this Court, learned counsel for the respondent on instructions had submitted that the sole appellant has expired; and that his legal heirs are not interested in pursuing the present appeal. Learned counsel for the appellant had sought time to get necessary instructions in the matter. On the last date of hearing also i.e. 20.02.2025, learned counsel for the appellant had sought further time to get necessary instruction as to



whether legal heirs of the deceased-appellant is interested in pursuing the matter or not?

4. Today, learned counsel appearing for the sole appellant submits that despite his best efforts he is unable to establish contact with the LRs of the deceased-appellant. As such, learned counsel for the appellant pleaded ‘no instructions’ in the matter. Accordingly, it is prayed that the present second appeal may be disposed of with liberty to the LRs of the deceased-appellant, if any, to move an appropriate application for reviving the same, in case anything survives.

5. Learned counsel appearing for the respondent has not disputed the aforesaid submissions of learned counsel for the appellant.

6. Be that as it may, the instant regular second appeal is **disposed of**, with liberty to the LRs of the deceased-appellant, to move an appropriate application within a period of 06 weeks from today for reviving the same, if so, advised.

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

05.08.2025
rishu

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**