



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-2439-2012 (O&M)

Date of Decision: 08.04.2025

Joginder Singh and another

.... Appellants

Versus

Jagbir Singh and others

.... Respondents

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present: - None for the appellant.

Mr. Devesh Nehra, Advocate for the respondents.

**NIDHI GUPTA, J. (ORAL)**

The appellant-defendants No. 1 and 2 are in second appeal against the concurrent findings recorded by both the Courts below whereby the plaintiffs' suit for declaration and permanent injunction was decreed.

Perusal of the order-sheet reveals that on the last date of hearing i.e. 10.01.2023, notices were ordered to be issued to the appellants as, the learned counsel earlier representing them has expired, so as to enable the appellants to engage another counsel.

Office report indicates that notice issued to appellant No. 1 has been received back duly served; whereas notice issued to appellant No. 2 has been received back served through his brother. However, none has put in appearance on their behalf.

In the aforesaid premise, issuance of fresh notice to the appellants 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 appellants lost interest in pursuing the same, as no attempt has been made by them to contact their previous counsel or to engage a new counsel. Moreover, the dispute is *inter se* between the family members.

Be that as it may, in view of the foregoing circumstances, the instant regular second appeal is **disposed of**, with liberty to the appellants, to move an appropriate application within a period of 06 months from today for reviving the same, if so, advised.

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

**08.04.2025**  
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**( NIDHI GUPTA )**  
**JUDGE**

**Whether speaking/reasoned    Yes/No**

**Whether Reportable            Yes/No**