



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-1804-2016 (O&M)

Date of Decision: 02.04.2025

Ishwar

.... Appellant

Versus

Sham Sunder and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. JB Sharma, Advocate for the appellant.

NIDHI GUPTA, J. (ORAL)

The plaintiff-appellant is in second appeal against the concurrent judgments of both the Courts below whereby the plaintiff's suit for declaration with consequential relief for permanent injunction was dismissed.

The matter pertains to the year 2016 and has come up for hearing after the year 2021.

Perusal of the order-sheet(s) shows that earlier this second appeal was dismissed for non-prosecution by a co-ordinate Bench vide order dated 08.01.2019 as, the matter was consistently being adjourned at the request made by learned counsel for the appellant. However, upon an application moved by the appellant, the same was restored vide order dated 18.01.2021. On the last date of hearing i.e. 06.04.2021, learned counsel for the appellant had sought time to inspect the trial Court record. Today, yet another request for an adjournment has been made by learned counsel for the appellant on the same ground, which is unjustifiable.

A bare reading of the above facts shows that the appellant has exhibited an utterly casual attitude in his pursuit of the present



litigation. It is to be appreciated that very valuable public time of the Court has been expended in affording opportunities to the appellant in the interest of justice. On the other hand, the appellant has adopted an utterly casual and careless approach. It is clear that neither the appellant nor his counsel is seriously interested in pursuing the present matter. Thus, this Court is left with no other option except to **dismiss** the same for non-prosecution.

Ordered accordingly.

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

02.04.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No