



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222

RSA-1845-2012 (O&M)

Date of Decision: 04.02.2025

Jiya Lal (since deceased) through his LR Appellant(s)

Versus

Harish Chander @ Hari Chand and others Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Balkar Singh, Advocate for
Mr. Ramesh Malik, Advocate for the appellant.

Mr. Ashtasheel Patil, Advocate for
Mr. Rajinder Goel, Advocate for respondent No. 1.

NIDHI GUPTA, J. (ORAL)

This is the defendant-appellant's second appeal against the judgment and decree dated 28.01.2012, passed by the learned Additional District Judge, Sonapat, whereby while affirming the judgment and decree dated 30.09.2009 of the trial Court decreeing the suit for declaration with consequential relief of mandatory injunction, filed by the plaintiff-respondents with costs, the appeal filed by the defendant was dismissed.

The matter pertains to the year 2012 and is lingering on for the last around 12 years.

Perusal of the order-sheets reveals that notice of motion in the present appeal was issued by a co-ordinate Bench of this Court wayback vide order dated 30.04.2012. Thereafter, the matter was listed for hearing for 16 times i.e. on 29.08.2012, 28.02.2013, 18.09.2013, 18.03.2014, 17.10.2014, 15.01.2015, 26.05.2015, 07.04.2016, 14.07.2016, 23.09.2016, 02.12.2016, 09.02.2017, 16.02.2018, 31.05.2018, 10.09.2019



and 22.01.2024; out of which on 05 dates i.e. on 29.08.2012, 28.02.2013, 17.10.2014, 17.02.2018 and 22.01.2024 (last date of hearing), the appellant had gone un-represented; and on the remaining 11 dates the case was adjourned for effecting service upon respondents; impleading the LRs of deceased-respondent(s) or at the request of learned counsel for either of the parties.

Today, learned proxy counsel for the appellant prays for an adjournment on the ground learned arguing counsel is in some personal difficulty, which is not justified.

In view of the above, it can safely be presumed that the appellant(s) or his counsel is not seriously interested in pursuing the instant appeal. Thus, this Court is left with no other option except to dismiss the present second appeal for non-prosecution.

Ordered accordingly.

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

04.02.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**