

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

107

2025:PHHC:046837



SAO-2-2018 (O&M)  
Date of decision: 05.04.2025

**SURINDER KAUR**

**..Appellant**

**Versus**

**LAKHWINDER KAUR AND ANR**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Rajiv Joshi, Advocate  
for the appellant.

Mr. Sanjeev Kumar Bawa, Advocate  
for respondent No.1.

**ANIL KSHETARPAL, J(Oral)**

1. This second appeal has been filed against the First Appellate Court's order remitting the matter back to the trial Court for a fresh decision after giving issuewise findings on all the issues.
2. This appeal is pending for the last 7 years.
3. Learned counsel for respondent No.1 has produced a copy of order dated 30.01.2018, passed by the trial Court dismissing plaintiff's suit in default, which is extracted as under:-

*“Today again, nobody has turned up on behalf of plaintiff and it is already 4.30 PM. Vide judgment dated 22.11.2017 Ld. Appellate Court directed the appellant/ plaintiff to appear before this Court on 21.12.2017. But nobody has turned up on that day, on 02.01.2018 as well as today from plaintiff side. Further more, the suit was dismissed by this Court U/s 17 Rule 3 CPC vide judgment dated 09.12.2016. During appeal, request on behalf of plaintiff was made to afford one opportunity to lead evidence, which was declined. So apparently, there is no evidence of plaintiff at all. The nonappearance of anybody on behalf of plaintiff speaks for itself that plaintiff does not want to proceed further with present suit, which is accordingly dismissed U/o 9 Rule 8 CPC. File be consigned to Record Room.”*



4. Learned counsel for respondent No.1 submits that no application for its restoration has been filed.
5. Learned counsel for the appellant feigns ignorance.
6. Hence, the appeal is dismissed as infructuous.
7. All the pending miscellaneous applications, if any, are also disposed of.

**April 05<sup>th</sup>, 2025**

*Ayub*

**(ANIL KSHETARPAL)  
JUDGE**

*Whether speaking/reasoned* : *Yes/No*  
*Whether reportable* : *Yes/No*