



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-5645-2018 (O&M)

Date of Decision: 14.01.2025

Gurmail Singh and another

.... Appellants

Versus

Inderjit Singh and another

... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Proxy counsel for
Mr. MS Dhaliwal, Advocate for the appellants.

NIDHI GUPTA, J. (ORAL)

The plaintiffs have filed the present second appeal against the judgment and decree dated 23.05.2018 of Ist Appellate Court, vide which the judgment and decree dated 30.11.2015 passed by the learned trial Court dismissing the '*suit for declaration*' filed by the plaintiff/appellants was affirmed and the appeal preferred by the appellants herein was dismissed.

The matter pertains to the year 2018 and notice is yet to be issued in the same.

Perusal of order-sheets shows that earlier vide order dated 18.05.2024, the present second appeal was dismissed for non-prosecution by a co-ordinate Bench of this Court. Later on, vide order dated 14.08.2024, the same was restored to its original number.

Further, perusal of order sheets reveals that before dismissal of instant second appeal for non-prosecution vide order dated 18.05.2024,



the same was listed for hearing 09 times i.e. on 24.01.2019, 13.02.2020, 18.02.2020, 02.03.2022, 14.03.2022, 22.07.2022, 06.08.2022, 21.08.2023 and 20.12.2023, out of which on 06 dates i.e. 24.01.2019, 13.02.2020, 18.02.2020, 02.03.2022, 14.03.2022 and 20.12.2023, the appellants have gone un-represented. Thereafter, the appeal was dismissed for non-prosecution vide order dated 18.05.2024 and was also ordered to be restored to its original number vide order dated 14.08.2024 as aforesaid.

On the last date of hearing, when this appeal was listed for hearing along with connected appeal, following order was passed by a co-ordinate Bench of this Court:-

“The proxy counsel for the appellant has submitted that arguing counsel has not come to the court because his wife is admitted in the hospital. Adjournment is prayed for.

Although, the previous order makes it clear that the case will not be adjourned any further and the appropriate orders will be passed in case of non arguments of the case, however, since the counsel is stated to be in a difficulty beyond his control, therefore, the case is adjourned to 14.01.2025.

However, it is clarified that on the next date of hearing the case shall not be adjourned for any reason whatsoever, including any personal difficulty of the counsel. It shall be the sole responsibility of such counsel to make alternate arrangements for ensuring arguments of the case.

A photocopy of this order be placed on the file of connected case.”

Today, on the first call, learned proxy counsel for the appellants requests for an pass over. However, in the second round none



has put in appearance on behalf of the appellants. Therefore from the above, it can safely be presumed that the appellants or their counsel are no more interested in pursuing the instant second appeal. Thus, this Court is left with no other option except to dismiss the instant Regular Second Appeal for non-prosecution for the second time.

Ordered accordingly.

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

14.01.2025

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(NIDHI GUPTA)

JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No