



211 **IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA-3483-2000
DECIDED ON: 09.01.2025**

D.N. CHAUDHARY AND ANOTHER

.....PETITIONERS

VERSUS

**THE PANIPAT CO.OP. SUGAR MILLS LTD THROUGH ITS
MANAGING DIRECTOR AND ANOTHER**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL.

Present: None for the appellants.

 Mr. Rajinder Goel, Advocate
 for the respondents.

VIKRAM AGGARWAL, J (ORAL)

1. A suit for recovery of Rs.84,000/- was filed by the appellants-plaintiffs which was dismissed by the Court of learned Additional Civil Judge (Senior Division), Panipat vide judgment and decree dated 02.04.1998. An appeal was preferred by the appellants- plaintiffs which was also dismissed by the Court of learned Additional District Judge, Panipat on 23.02.2000, leading to the filing of the present regular second appeal.

2. No one has appeared on behalf of the appellants- plaintiffs. Even on the last date of hearing, no one had appeared on their behalf. Learned counsel for the respondents has produced a copy of order dated 15.07.2024 passed by a Co-ordinate Bench of this Court in ***RSA-1214-1998, RSA-1215-1998*** and ***RSA-5036-1999***, which is taken on record. In the said case, the office had reported that respondent No.1 therein namely D.N. Chaudhary, who is appellant No.1 in the instant appeal had expired and no one was coming forward on his behalf or appellant No.2. Some time had also been granted to



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the respondents herein, who were the appellants in the said Regular Second Appeals to bring on record the legal representatives but since no details were available, the same could not be done. Under the circumstances, all the three appeals were disposed of with liberty to the appellants herein to file an application for revival if the legal representatives of the respondents filed an application in this regard.

3. Learned counsel for the respondents submits that no details of the legal representatives of the appellants are available nor are the appellants appearing. He prays that in view of the same, the matter be disposed of in terms of the order dated 15.07.2024 passed in the said Regular Second Appeals.

4. For the sake of convenience, the order dated 15.07.2024 passed in *RSA-1214-1998*, *RSA-1215-1998* and *RSA-5036-1999* is reproduced hereinbelow:-

“1. On 20.03.2024, the following order was passed:-

“A batch of 3 connected appeals is listed after a passage of nearly 26 years.

As per the office report, respondent no.1 and 2 are reported to have died.

The learned counsel representing the appellants also prays for some time. While adjourning the case, the appellants may take steps to bring on record the legal representatives of respondent no.1 and 2, within a period of 15 days, from today.

However, if no steps are taken by the appellants, the appeals shall be deemed to have been dismissed for non prosecution without further reference to the Court.

List, in the urgent list, on 17.05.2024.

A photocopy of this order be placed on the files of the other connected cases.”



2. Thereafter, on 17.05.2024, the learned counsel representing the respondent entered appearance and on his request, the hearing was adjourned to today. However, once again, he is not present. It has been noticed that the respondent had filed two suits for rendition of accounts in which the preliminary decree was passed. As per the office report, the respondent has died. In Regular Second Appeal No. 5036 of 1999, the respondents challenged the correctness of the judgment and decree passed by the First Appellate Court, wherein, the Court set aside the judgment passed by the Trial Court, dismissing a suit filed for the recovery of ₹45,000/-.

3. These appeals are pending for the last 26 years. It appears that the legal representatives of the respondent are not interested in prosecuting the appeal.

4. Keeping in view the aforesaid facts, all these three appeals are disposed of with the liberty to the appellants to file an application for revival if the legal representatives of the respondent file an application for preparation of a final decree or for execution of the decree passed in Regular Second Appeal No. 5036 of 1999.

5. The miscellaneous application(s) pending, if any, in all the three appeals shall stand disposed of.

5. Since no one is coming forward on behalf of the appellants, no useful purpose would be served by continuing the proceedings. The appeal is accordingly ***disposed of*** with liberty to the legal representatives of the appellants to file an application for revival of the appeal in case they want to pursue the litigation.

09.01.2025
Prince Chawla

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No