



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

RSA-1979-1999 (O&M)

Date of Decision: 27.02.2025

Balkar Singh and others

.... Appellants

Versus

Gian Singh and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None.

NIDHI GUPTA, J. (ORAL)

The plaintiff-appellants are in second appeal against the judgment and decree dated 21.03.1996 passed by the learned Additional District Judge, Jalandhar, vide which the appeal filed by the defendant-respondents was allowed reversing the judgment and decree dated 21.03.1996, passed by the learned Civil Judge (Junior Division), Phillaur.

The matter pertains to the year 1999 and was lastly listed for hearing before the Daily Lok Adalat Bench No. 3 on 05.07.2023.

Perusal of the order-sheets also reveals that when this matter was listed before the Daily Lok Adalat Bench No. 3 of this Court on 05.07.2023, the parties have gone un-represented and following order was passed:-

“Notices issued to the appellants have been received back with the report that appellant No. 1 has refused to accept the notice and appellant No. 2 has gone abroad.

Notices issued to respondents No. 1 and 5 have been received back with the report that they have died. Summons issued to respondents No. 2 and 3 have been received back with the report that no such persons are residing at the given address and summon issued to respondent No. 4 has been received back with the report that the house was found locked.

In such circumstances, no settlement is possible.



Returned to the High Court.”

As per office report dated 21.02.2025, notices issued to respondents No. 1, 4 and 5 have been received back with the report ‘died’; whereas notices issued to respondents No. 2 and 3 have been received back unserved due to incomplete details and not residing at the given address, respectively. It has further been reported that letter issued to learned counsel for the appellant has been received back with the report that ‘*this case belongs to Sh. Kulbir Narwal and the same has been received by Sh. Kulbir Narwal*’. However, none has put in appearance on behalf of the appellants.

In the aforesaid premise, issuance of fresh notices to both the parties or their LRs would be a futile exercise. It appears that due to sheer long pendency of the present second appeal before this Court for a period of more than 26 years, the parties have lost interest in pursuing the same, as no attempt has been made by them to contact their previous counsel or to engage a new counsel.

Be that as it may, in view of the foregoing circumstances, the instant regular second appeal is dismissed for non-prosecution, with liberty to both the parties or their LRs, to move an appropriate application within a period of 06 months from today for reviving the same, if so, advised.

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

27.02.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**