



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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RSA-4173-2001 (O&M)

Date of Decision: 19.05.2025

Gurdas Singh

.... Appellant

Versus

Surinder Kaur and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None.

NIDHI GUPTA, J. (ORAL)

The appellant-defendant is in second appeal against the concurrent findings rendered by both the Court below whereby the suit for permanent injunction filed by the respondent-plaintiffs was decreed.

The matter pertains to the year 2001 and was lastly listed for hearing in the year 2007.

As per office report dated 17.05.2025, notices issued the appellant and respondent No. 1 have been received back with the report 'died'; whereas notices issued to respondents No. 2, 3 and 5 have been received back duly served and through brother, respectively. However, none has put in appearance on their behalf. It is further reported that notice issued to respondent No. 4 has been received back with the report 'out of country'. Perusal of the order-sheets reveals that the learned counsel earlier representing the parties have now been elevated to the Bench of this Court.

In the aforesaid premise, issuance of fresh notice to appellant 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 24 years, the appellant or his LRs have lost interest in pursuing the same, as no attempt has been made by the appellant or his LRs to contact his 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 the LRs of the deceased-appellant, if any, 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.

19.05.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**