

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106

RSA-62-1993 (O&M)

Date of Decision: 11.02.2025

Bachan Singh @ Yusuf

.... Appellant

Versus

Atma Singh @ Abdul Hamid and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - None for the appellant(s).

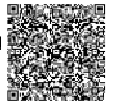
Mr. Arvind Mittal, Advocate
for the respondents.

NIDHI GUPTA, J. (ORAL)

The defendant-appellant is in second appeal against the judgment and decree dated 12.10.1992 passed by the learned Additional District Judge, Ropar, vide which the appeal filed by the plaintiff-respondents was allowed reversing the judgment and decree dated 27.03.1989, passed by the learned Senior Sub Judge, Ropar.

The matter pertains to the year 1997.

Perusal of the order-sheet(s) shows that the present second appeal was admitted way back in the year 1993 vide order dated 09.09.1993. During the pendency of the instant second appeal, the sole appellant was expired and vide order dated 12.03.1996, his LRs were brought on record. Thereafter, when this case was listed for hearing on 01.04.2024, notice to the appellant was ordered to be issued. Further, on the last 03 dates of hearing i.e. 16.04.2024, 02.07.2024 and 04.11.2024, repeated notices were ordered to be issued to the LRs of deceased-appellant.



Pursuant thereto, as per office report dated 06.02.2025, notices issued to appellants No. (i) and (vi) to (x) (minor as per MOP), have been received back unserved with report '*not residing at the given address any more*'; whereas notices issued to appellant No. (ii) to (v) have been received back served through son, brother and personally, respectively. However, none has put in appearance on their behalf despite service on the last 04 dates of hearing i.e. 01.04.2024. 16.04.2024, 02.07.2024 and 04.11.2024.

In the aforesaid premise, issuance of fresh notice to the LRs of the deceased/sole 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 29 years, the LRs of deceased-appellant, have lost interest in pursuing the same, as no attempt has been made by his LRs to contact his 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 the LRs of deceased/appellant, 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.

11.02.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**