



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

RSA-2473-1998 (O&M)

Date of Decision: 12.05.2025

Gurdial Kaur and others

.... Appellants

Versus

Daljit Kaur and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vijay Lath & Mr. Naveen Sharma (Moudgil), Advocates
for Mr. R.N. Moudgil, Advocate for the appellants.

None for the respondents.

NIDHI GUPTA, J. (ORAL)

Defendants No. 1 to 5/appellants herein are in second appeal against the judgment and decree dated 09.12.1997, passed by the learned Additional District Judge, Rupnagar, vide which the appeal filed by plaintiffs/respondents No. 1 and 2 herein was allowed reversing the judgment and decree dated 12.09.1997, passed by the learned Sub Judge Ist Class, Ropar.

The matter pertains to the year 1998.

On 06.03.2024, when this case was listed for hearing, following order was passed:-

“As per the note of the Registry, appellants, No. 1, 2 and 5 have died and appellants No. 3 and 4 are not residing at the give address. Respondents No. 1 and 2 have also died.

As per office report, Mr. J.S. Toor, Advocate has been informed but on call, there is no representation on his behalf.



Learned counsel for the appellants submits that he be given time to move and appropriate application for bringing on record Lrs of appellants No. 1, 2 and 5.

May do so.

Adjourned to 17.05.2024.

Mr. J.S.Toor, Advocate be notified about the date fixed in this case.

Meanwhile, photocopy of lower Court record be requisitioned on or before the next date of hearing, if not received already.”

Pursuant thereto, as per office report dated 06.05.2025, letter issued to Mr. JS Toor, Advocate has been received back with the report ‘*Brief with party*’. It is further reported that no application for impleading the LRs of appellants No. 1, 2 and 5 has been filed in compliance of order dated 06.03.2024.

Learned counsel appearing for the appellants submits that the matter pertains to the year 1998 and despite his best efforts, he is unable to establish contact with the LRs of deceased-appellants No. 1, 2 and 5; and pleaded no instructions in the matter. As such, the application for impleading the LRs of the aforesaid deceased-appellants could not be filed in compliance of previous order dated 06.03.2024, reproduced above. It is accordingly, prayed that the instant appeal may be dismissed for non-prosecution with liberty to the appellants, to revive the same in case, anything survives.

In the aforesaid premise, issuance of fresh notice to the appellants 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 23 years, the appellants or their LRs have lost interest in



pursuing the same, as no attempt has been made by them to contact their 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 appellant or their LRs, if any, to move an appropriate application within a period of 03 months from today for reviving the same, if so, advised.

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

12.05.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No