



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

**221**

**Regular Second Appeal No.4331 of 2013 (O & M)  
Date of decision :-14.02.2025**

**Joginder Singh**

**.....Appellant**

**Versus**

**Mohinder Singh and another**

**.....Respondents**

**CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. B.D. Sharma, Advocate for  
Mr. Kashmir Singh, Advocate  
for the appellant.

Ms. Jyotika Behl, Advocate for  
Mr. Satbir Rathore, Advocate for the respondents.

**NIDHI GUPTA J. (Oral)**

The appellant/plaintiff is in the present regular second appeal against the concurrent findings of the learned Courts below in the judgment and decrees dated 25.11.2010 passed by the learned Civil Judge (Jr. Divn.), Mukerian and the judgment and decree dated 13.5.2013 passed by the learned Additional District Judge, Hoshiarpur, whereby the suit for possession by way of specific performance of agreement to sell dated 05.4.2001 filed by the appellant/plaintiff has been dismissed.

The matter pertains to the year 2013 and is still at the stage of addressing arguments. The order sheets shows that after issuing notice of motion on 07.3.2014, as many as nine times the matter has been listed for hearing, out of which on four dates i.e.



27.1.2015, 21.7.2015, 05.4.2017 and 04.4.2018 there was no representation on behalf of appellant and on rest of the five dates i.e. 27.1.2016, 10.5.2016, 04.4.2018, 16.12.2019 and 12.9.2022 the matter was adjourned either on request of learned arguing counsel or on request of learned proxy counsel for the appellant. Even today written request for adjournment has been circulated by learned counsel for the appellant and the learned proxy counsel appearing for the arguing counsel is seeking adjournment to address the arguments on the ground that the arguing counsel is not feeling well.

A bare reading of the above facts shows that the appellant has exhibited an utterly casual attitude in the pursuit of the present litigation. It is to be appreciated that very valuable public time of the Court has been expended in affording opportunities to the appellant in the interest of justice. On the other hand, the appellant has adopted an utterly casual and careless approach. It is clear that neither the applicant-appellant nor its counsel are seriously interested in pursuing the present matter. Thus, this Court is left with no other option except to **dismiss** the same for non-prosecution.

Ordered accordingly.

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

February 14, 2025

Vijay Asija

( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No