



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

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**Regular Second Appeal No.2479 of 1993 (O & M)  
Date of decision :-02.04.2025**

**Kishore Kumar and others****.....Appellants****Versus****Vikram Singh and others****.....Respondents****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- None for the appellants.

Ms. Sangeeta Yadav, Advocate with  
Ms. Deepika, Advocate for respondents No.1 to 3.

Service upon respondents No.4 and 5 dispensed with (vide  
order dated 01.8.2023).

**NIDHI GUPTA J. (Oral)**

On the last date of hearing i.e. 22.1.2025, the following order  
was passed by this Court :-

*“Today written request for adjournment has  
been circulated on behalf of learned counsel for the  
appellants.*

*Perusal of the order sheets shows that after  
admission of the appeal on 22.2.1994, eleven times the  
matter has been listed for hearing; out of which only  
on one date i.e. 01.9.2006 learned arguing counsel  
appeared and on four dates i.e. 01.8.2023, 29.11.2023,  
15.4.2024 and 10.7.2024 proxy counsel on behalf of  
arguing counsel for the appellants appeared and  
sought adjournments; and on six dates i.e.12.1.2007,  
21.7.2004, 26.4.2024, 04.9.2024, 13.9.2024 and  
20.11.2024 the matter was adjourned because of non-  
representation of anyone on behalf of appellants.*



*Today as well, learned proxy counsel for the arguing counsel prays for an adjournment.*

*This matter pertains to the year 1993 and arguments have not been concluded so far.*

*In view of the aforesaid position, the stay granted by this Court vide order dated 22.2.1994 vide which the parties were directed to maintain status quo regarding possession over the property in dispute, is hereby vacated.*

*On request of proxy counsel appearing for the appellants, adjourned to 23.7.2025.*

*It is made clear that no further adjournment shall be granted.”*

Thereafter, in compliance of the order dated 17.3.2025 passed by Hon’ble the Chief Justice, the matter has been listed today i.e.02.4.2025.

As per office report dated 28.3.2025 both the learned counsel for the parties were informed about the date fixed i.e. 02.4.2025 through e-mail, however, none appears on behalf of appellants. Since the matter is of the year 1993, hence, the same is being heard and decided in absence of learned counsel for the appellants.

The appellants/defendants are in second appeal against the concurrent judgments and decrees of the learned Courts below, whereby the suit filed by the respondents/plaintiffs for possession by way of pre-emption has been decreed by both the Courts below. The suit was decreed subject to payment of Rs.49000/- as sale consideration plus Rs.6125/- stamps and registration charges minus Rs.9800/- already deposited as 1/5<sup>th</sup> pre-emption amount totaling Rs.45,325/- on or before 02.11.1992. .

The suit of the plaintiffs was decreed taking into account the evidence of Bhanwar Singh (PW2) marginal witness of Sale Deed (Ex.P-1); Parbhathi Lal (PW3) had stated on oath that the plaintiffs are the minor sons and Parbhathi Lal is their natural guardian. He further stated that the



plaintiffs are co-sharers in the suit land. The plaintiffs also placed on record the copy of sale deed (Ex.P-1) as per which it is clearly proved that the defendants No.4 and 5 had executed the sale deed (Ex.P-1) in favour of the plaintiff(s) on 13.6.1985 thereby selling the land 06 Kanals 05 marlas bearing Khewat No.3, Khatoni No.3 and Killa No.24/20/1 total area 06 Kanals 05 Marlas. As such, plaintiffs became co-sharers in the suit land on 13.6.1985 i.e. prior to institution of the suit i.e. 17.7.1989. The plaintiffs were also co-sharers at the time of filing of the suit and are still co-sharers in the suit land.

The appeal of the defendants/appellants was also dismissed.

In view of the categoric concurrent findings of the learned Courts below, and in view of the order dated 22.1.2025 passed by this Court as specific direction passed by this Court there is no representation on behalf of appellants, no ground is made out to interfere in the judgments and decrees passed by the learned Courts below.

Therefore, the present appeal is hereby **dismissed** on merits as well as for non-prosecution.

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

April 02, 2025  
Vijay Asija

( NIDHI GUPTA )  
JUDGE

Whether speaking/reasoned Yes / No  
Whether Reportable Yes / No