



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214

RSA-769-2007 (O&M) and  
XOBS-23-C-2007 (O&M)

Date of Decision: 25.09.2025

Smt. Rajo

.... Appellant

Versus

Kirpa and another

.... Respondents

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

Present: - None for the appellant.

Mr. Navneet Singh, Advocate for  
Mr. Bhag Singh, Advocate  
for the cross-objectors/respondents.

**NIDHI GUPTA, J. (ORAL)**

1. The appellant-plaintiff is in second appeal against the judgment of reversal dated 01.12.2006, passed by the learned Additional District Judge, Kaithal vide which the appeal filed by the respondent-defendants was allowed reversing the judgment and decree dated 18.11.2005, passed by the learned Civil Judge (Senior Division), Kaithal; and the suit for declaration and possession filed by the appellant-plaintiff was dismissed.

2. The present appeal as well as the aforementioned cross-objections pertain to the year 2007. Perusal of the order-sheets reveals that notice in the main appeal was issued by the Predecessor Bench of this Court vide order dated 13.03.2007; and the main appeal as well as the cross-objections were 'Admitted' vide order dated 10.03.2008. Thereafter, the respondent/cross-objectors have filed an application bearing CM-4523-C-2017 under Order XXXIX Rules 1 and 2 CPC for restraining the



appellant or any other person through her on the basis of the sale deed dated 02.03.2017 from dispossessing the respondent/cross-objectors during the pendency of the present second appeal from the suit land till the same is partitioned by metes and bounds. Notice in the said application to the non-applicant/appellant was issued vide order dated 25.04.2017. Thereafter, on the next 5 dates i.e. on 01.08.2017, 14.02.2018, 31.10.2018, 11.03.2019 and 05.11.2019, the case was repeatedly adjourned either at the oral request or on account of non-appearance on behalf of the appellant/non-applicant. On 07.01.2025, when this case was listed for hearing before this Court, the matter was adjourned at request of learned counsel for the appellant who had informed that the appellant has expired on 4.12.2024 and had sought some time to implead her LRs; and the matter stood adjourned to today to enable learned counsel for the appellant to do the needful.

3. Pursuant thereto, following office report dated 23.09.2025 has been received: -

*“Main appeal is admitted.*

*Service report is as under:*

*Respondents: Represented by counsel Mr. Bhag Singh*

*In compliance of order dated 07.01.2025, it is submitted that no application to implead the LRs of the appellant has been received, so far.*

*Soft copy of both the records is available on DMS”.*

4. In view of the above office report, the main appeal is ordered to be taken on Board for hearing today itself.

5. Today, a request for hearing of the present case through Video Conferencing has been made by learned counsel for the appellant. However, learned counsel for the appellant has not joined the



proceedings. Even learned counsel appearing for the respondent/cross-objectors, has pleaded 'no instructions' in the matter.

6. A bare reading of the above facts shows that the appellant or her LRs, if any, have exhibited an utterly casual attitude in her/their pursuit of the present litigation. It is not for this Court to be chasing recalcitrant parties or their counsel to argue the matter before the Court; especially of such old vintage as the present one. It is to be appreciated that very valuable public time of the Court has been expended in affording multiple opportunities to the appellant in the interest of justice. On the other hand, the appellant/her LRs have adopted an utterly casual and careless approach. It is clear that neither the appellant/her LRs if any, nor the respondents, or ld. counsel are seriously interested in pursuing the present matter. Thus, this Court is left with no other option except to **dismiss** the main second appeal as well as the XOBJC-23-C-2007 filed by the respondent/cross-objectors, for non-prosecution.

7. Ordered accordingly.

8. Pending application(s), if any, shall also stand(s) disposed of.

25.09.2025  
*rishu*

( NIDHI GUPTA )  
JUDGE

**Whether speaking/reasoned** Yes/No

**Whether Reportable** Yes/No