



216

RSA-1733-2011 (O & M)

PREM MOHINI SADANA THRU LR TARUN SADANA V/S NANAK  
CHAND KHOSLA AND ORS

Present: None for the appellant.

Mr. Kuldip Sanwal, Advocate for respondents No.1(i and ii).

None for respondent No.3 despite service.

Respondents No.2 and 4 proceeded ex-parte (vide order  
dated 18.10.2011).

\* \* \*

The appellant/plaintiff has filed the present appeal against the concurrent findings of the learned Courts below whereby the suit filed by the appellant/plaintiff for declaration and consequential relief of possession by way of partition has been dismissed.

The matter pertains to the year 2011 and is still pending consideration. Perusal of the file shows that from the last continuous five dates i.e.23.2.2016, 09.10.2017, 15.2.2018, 18.7.2018 and 02.11.2018 there was no representation on behalf of appellant. On the last date of hearing i.e. 02.11.2018, the following order was passed by a co-ordinate Bench of this Court :-

*“Notice of this appeal has been issued to the legal representative of the appellant at the given address. None had appeared on behalf of the appellant on the last date of hearing. Today again, there is no representation on his behalf.*

*In the interest of justice, adjourned to 22.04.2019.*



*In case, there is no representation on behalf of legal representative of the appellant on the next date of hearing, this appeal may be dismissed in default.”*

Even today there is no representation on behalf of appellant.

A bare reading of the above facts shows that the appellant has/have 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 appellant nor his 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.

July 07, 2025  
Vijay Asija

( **NIDHI GUPTA** )  
**JUDGE**