



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

116

Regular Second Appeal No.885 of 2019 (O &amp; M)

Date of decision :-11.05.2026

**Jawahar Lal****.....Applicant-Appellant****Versus****Pushpinder Kumar****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sandeep Siwach, Advocate for  
Mr. Preetwinder Singh Dhaliwal, Advocate  
for the applicant-appellant.

**NIDHI GUPTA J. (Oral)**

On 12.8.2025, the following order was passed by this

Court :-

*“1. The appellant-plaintiff is in second appeal against the concurrent judgments and decrees rendered both the Courts below whereby the suit for declaration and permanent injunction was dismissed.*

*2. The matter pertains to the year 2015 and notice in the main appeal is yet to be issued.*

*3. Perusal of the order-sheet(s) reveals that since the inception of present second appeal, the same was repeatedly adjourned either on account of non-appearance on behalf of the appellant i.e. on 05.08.2019, 25.09.2023, 23.02.2024 and 04.09.2024; or at the request of learned counsel for the appellant on 02 dates i.e. on 07.05.2024 and 14.01.2025 (last date of hearing).*



4. *Today, in the first round of hearing, Mr. Supneet Singh, Advocate for Mr. PS Dhaliwal, Advocate had appeared on behalf of the appellant and sought a pass-over. However, in the second round none has put in appearance on behalf of the appellant.*

5. *A bare reading of the above facts shows that the appellant has exhibited an utterly casual attitude in his 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 is seriously interested in pursuing the present matter. Thus, this Court is left with no other option except to **dismiss** present second appeal, for non-prosecution.*

6. *Ordered accordingly.*

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

Thereafter, the applicant-appellant has moved an application bearing CM-11312-C-2025 for restoration of the main appeal. On 17.9.2025, the following order was passed in the said application :-

*“Prayer in this application filed under Order XLI Rule 19 read with Section 151 CPC is for restoration of the main appeal (RSA-885-2019) which was dismissed for non-prosecution vide order dated 12.08.2025.*



*Heard.*

*For the reasons mentioned in the application which is supported by an affidavit of learned counsel for the applicant-appellant, the same is **allowed**; and the main appeal is ordered to be restored to its original number, subject to costs of ₹30,000/- to be deposited by the appellant within a period of 02 weeks from today in the Savings Bank Account under the name "Punjab State Legal Services Authority-Disaster Relief Fund" bearing Account No. 44426937384, IFSC Code: SBIN0014656, State Bank of India, Sector-68, SAS Nagar for 2025 to be used for '2025 Floods Relief in the State of Punjab'.*

*Subject to compliance, Registry is directed list the main appeal for final hearing on 11.05.2026."*

Today, learned counsel appearing on behalf of the applicant-appellant submits that despite repeated telephonic calls and messages sent to the applicant-appellant informing him about the order dated 17.9.2025 and requiring him to comply with the condition regarding deposit of costs of ₹30,000/-, the applicant-appellant has neither responded to the communications nor taken any steps to comply with the aforesaid order.

Heard.

A perusal of the record reveals that the conduct of the applicant-appellant throughout has remained wholly negligent and casual. The main appeal itself was dismissed for non-prosecution vide order dated 12.8.2025 after this Court noticed repeated instances of non-appearance and lack of diligence on the part of the appellant.



Despite the indulgence shown by this Court by restoring the appeal vide order dated 17.9.2025, the restoration was consciously made conditional upon deposit of costs of ₹30,000/- within a stipulated period of two weeks.

The condition imposed by this Court was to balance equities, to compensate for wastage of valuable judicial time and to ensure seriousness on the part of the litigant while seeking restoration of proceedings earlier dismissed for non-prosecution. Compliance with such condition was, therefore, mandatory and formed the very basis upon which the restoration had been granted.

However, despite lapse of substantial time, the applicant-appellant has failed to comply with the said order. Not only this, as stated by learned counsel himself, the applicant-appellant is not even responding to repeated communications made by his own counsel. Such conduct leaves no manner of doubt that the applicant-appellant is not interested in pursuing the present appeal.

It is well settled that a litigant who seeks equitable and discretionary relief from the Court must approach the Court with diligence and bona fides. A party cannot repeatedly seek indulgence from the Court and thereafter continue to remain negligent and indifferent towards compliance of judicial orders. Judicial proceedings cannot be permitted to remain pending indefinitely at the instance of litigants who exhibit complete disregard towards the process of law and orders passed by the Court.



It is further pertinent to note that the present second appeal pertains to the year 2015 and even notice in the appeal has not yet been issued on account of the repeated defaults attributable solely to the appellant. Valuable judicial time has already been consumed in repeatedly accommodating the applicant-appellant and restoring the appeal once despite earlier dismissal for non-prosecution.

In the considered opinion of this Court, the above facts clearly disentitle the appellant from any further indulgence.

Accordingly, the main appeal stands **dismissed**.

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

May 11, 2026  
Vijay Asija

( NIDHI GUPTA )  
JUDGE

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