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RSA No.79-2008 (O&M)

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

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RSA No.79-2008 (O&M)
Date of Decision:-09.09.2026

RAMESHWAR AND ANR.

...Appellants

Versus

OMI AND ORS.

...Respondents

CORAM: HON'BLE MS. JUSTICE MONICA CHHIBBER SHARMA

Present:- Mr. R.S. Longia, Advocate
for the appellants.

None for the respondents.

MONICA CHHIBBER SHARMA, J.(Oral)

1. The appellant has come before this Court against the judgment dated 26.09.2007, passed by the Additional District Judge, Kaithal.
2. The dispute between the parties is with respect to the Gair Mumkin Bara measuring 15 Marlas, comprised in Khewat No.226, Khatoni No.892, Khasra No.406, situated with the abadi deh of village Sajuma Tehsil and District Kaithal. From the perusal of the judgment, it is apparent that the plaintiffs/appellants claim to be in possession of a half share of the suit property (in equal shares), whereas, the defendants are owners of the remaining $\frac{1}{2}$ share of the suit property. Due to the joint-ness of the suit property, the parties are unable to enjoy their share in the suit property. On this ground, the suit for the partition was filed by the appellants/plaintiffs.



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3. Vide judgment dated 19.10.2005, passed by the learned Civil Judge (Sr. Divn.) Kaithal, the suit was decreed of the appellants/plaintiffs. Aggrieved by the said judgment the defendants filed an appeal before the First Appellate Court and the same was allowed and findings recorded by the Trial Court were reversed vide judgment dated 26.09.2007, passed by Addl. District Judge, Kaithal. Therefore, the plaintiffs/appellants preferred the present Regular Second Appeal.

4. The learned counsel for the appellants has fairly stated that the parties are not responding despite due communication, no stay is operating against the impugned judgment. Perhaps, the parties have settled their dispute and it is apparent that they are not interested in pursuing the present appeal.

5. This Court has left with no other option, except to dismiss the present appeal for non-prosecution. Hence, the present appeal is dismissed for non-prosecution, with liberty granted to the appellants to revive the same, within a reasonable period by filing an appropriate application, in accordance with law.

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

(MONICA CHHIBBER SHARMA)
JUDGE

09.09.2026

RenuSharma

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No