



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

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Regular Second Appeal No.1985 of 2015 (O & M)

Date of decision :-11.05.2026**Prabhjdeep Kaur****.....Appellant****Versus****Municipal Corporation Amritsar through its Commissioner, Amritsar****.....Respondent****CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. A.P. Kaushal, Advocate
for the appellant.

Mr. Sanjeev Soni, Advocate for the respondent.

NIDHI GUPTA J. (Oral)

The plaintiff has filed the present appeal against the concurrent findings of the learned Courts below whereby the suit filed by the appellant/plaintiff for permanent injunction has been dismissed by both the Courts below.

On 04.9.2018, the following order was passed by a predecessor Bench of this Court :-

"On August 02, 2017, the following order had been passed by this Court (co-ordinate Bench):-

"Counsel for the respondent seeks an adjournment.

I find that certified copies of the judgment of the trial Court as well as the grounds of appeal filed before the lower appellate Court are not on the record though it is mentioned in CM No.5235-C of 2015 that the same are placed on record.

Counsel for the appellant states that he would place the same on record.

Registry is directed to explain how this appeal was passed.

Adjourned to 15.11.2017."



Even today, though an explanation has been placed on record by the concerned dealing official of the Registry as to how the appeal was passed for listing, the certified copy of the trial Courts' judgment is still not on record.

Learned counsel seeks time to do the needful.

Adjourned to 22.03.2019.

If the needful is not done even by the next date of hearing, the appeal shall be deemed to have been dismissed in default."

Thereafter, further opportunity was granted vide order dated 25.03.2019 for compliance of the aforesaid order. However, as per the office report placed on record today, till date no compliance has been made inasmuch as the learned counsel for the appellant has failed to move any application for placing on record the certified copies of the judgment and decree passed by the learned trial Court as well as the grounds of appeal filed before the learned lower Appellate Court.

A perusal of the order sheets further reveals that the present appeal has repeatedly been adjourned either on account of requests made on behalf of the appellant or due to non-appearance of learned counsel for the appellant on numerous dates including 17.07.2015, 14.09.2015, 10.12.2015, 01.03.2016, 02.08.2017, 04.09.2018, 02.09.2019, 25.11.2019 and 01.04.2024.

Despite the aforesaid prolonged indulgence granted by this Court over a period of several years, learned counsel for the appellant today again seeks further time to comply with the order dated 02.08.2017.

Heard.

The present appeal pertains to the year 2015. Even after lapse of almost a decade, the appellant has failed to place on record the basic and essential documents required for proper adjudication of the appeal, namely



the certified copies of the judgment of the learned trial Court and the grounds of appeal before the learned lower Appellate Court. Such documents are indispensable for consideration of a regular second appeal and non-production thereof despite repeated opportunities clearly demonstrates complete lack of diligence on the part of the appellant.

It is significant to note that as far back as on 04.09.2018, a co-ordinate Bench of this Court had categorically observed that in case the needful was not done, the appeal shall be deemed to have been dismissed in default. Even thereafter, further opportunity was granted on 25.03.2019 in the interest of justice. However, despite repeated indulgence by this Court, the appellant has chosen not to comply with the directions issued.

The conduct of the appellant, as reflected from the order sheets, further shows repeated adjournments either on account of non-appearance or at the request of learned counsel. The appellant has thus exhibited a wholly casual, negligent and indifferent approach in prosecuting the present appeal. Judicial proceedings cannot be permitted to remain pending indefinitely at the instance of litigants who fail to show minimum diligence in pursuing their own cases.

It is well settled that a party invoking the appellate jurisdiction of this Court is under an obligation to diligently prosecute the matter and comply with procedural requirements necessary for adjudication of the *lis*. Repeated non-compliance of judicial orders and persistent defaults, despite grant of adequate opportunities, disentitle such party from seeking any further indulgence from the Court.

Valuable judicial time has already been consumed in repeatedly accommodating the appellant over the years. This Court is of the considered opinion that no useful purpose would now be served by granting



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any further opportunity to the appellant, who has failed to avail the indulgence already granted on several occasions.

In view of the above facts and circumstances, this Court finds that the appellant is not interested in pursuing the present appeal diligently and has failed to comply with the orders passed by this Court despite repeated opportunities.

Consequently, the present appeal is hereby **dismissed for non-prosecution.**

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