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BAWA NIHAL SINGH

v.

THE STATE OF PUNJAB THROUGH LAND ACQUISITION
COLLECTOR, FARIDKOT

B

NOVEMBER 1, 1995

[K. RAMASWAMY AND B.N. KIRPAL, JJ.]

Practice & Procedure :

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Non-compliance of Court's notice—Non-payment of deficit process fee and non-filing of applications—Time granted to comply with and in default ordered that the application shall be dismissed—By self-operation of order, applications stand dismissed—Consequently appeal dismissed as having abated as a whole.

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In this appeal despite several letters, deficit process fee was not paid and applications were not filed. When the matter was listed again, it was reported that one of the appellants died and his legal representatives were to be brought on record; and that the deficit process was not deposited and applications were not filed. One more notice was issued but there was no compliance. Once again the matter was listed on 2.1.95 and this Court granted four weeks time for complying with the office objections and ordered that in default the Civil Miscellaneous Petition would stand dismissed.

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Disposing of the matter, this Court

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HELD : In view of this Court's order dated 2.1.95 the applications by self-operation of the said order stand dismissed. Consequently the appeal also requires to be dismissed as having abated as a whole. [691-D]

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 8392 of 1983.

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From the Judgment and Order dated 11.9.79 of the Punjab & Haryana High Court in R.F.A. No. 94 of 1975.

Mrs. Kamaljeet Kochhar for J.D. Jain for the Appellant.

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Ranbir Yadav for G.K. Bansal for the Respondent.

The following Order of the Court was delivered :

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It is very unfortunate that the matter is not being prosecuted diligently. It is seen from the office report dated October 25, 1994 that after issue of notice by this Court on 3.5.1993, letters were issued to the counsel for the appellant on 15.5.1993, 13.6.1994, 15.7.1994 and 6.8.1994 with a default clause to pay the requisite deficit process fee and also to file copies of the applications. However, no action was taken. Again when the matter was listed on 3.5.1993, it was reported that one of the appellants died and his legal representatives were directed to be brought on record, notice to be taken and process fee along with miscellaneous petition was required to be deposited. The Registry of this Court has given notice to the counsel for payment of the requisite process fee along with the copies of petitions but that was also not done. When the matter was again posted before the Court on 2.1.1995 for further orders, this Court ordered : "Four weeks for complying with the office objections. In default, the Civil Misc. Petition Nos. 4315-17/87 shall stand dismissed". Therefore, the applications by self-operation of the said order stand dismissed.

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Consequently, the appeal also requires to be dismissed as having abated as a whole. It is accordingly dismissed. No costs.

G.N.

Appeal dismissed.