

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

C.R. No.334 of 2012

Date of Decision.27.03.2015

Gurbir Singh

.....Petitioner

Versus

Mahesh Inder Singh and others

.....Respondents

2. C.R. No.7954 of 2011

Harmeet Singh Mamik and others

.....Petitioners

Versus

Mahesh Inder Singh and others

.....Respondents

Present: Mr. M.L. Sarin, Senior Advocate with
Mr. Nitin Sarin, Advocate
for the petitioner in C.R. No.334 of 2012.

Mr. Santosh Sharma, Advocate
for the petitioners in C.R. No.7954 of 2011.

Mr. G.S. Punia, Senior Advocate with
Ms. Harveen Kaur, Advocate
for the respondent Nos.1 to 4.

Mr. Ashok Gupta, Advocate
for respondent No.5.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

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K. KANNAN J. (ORAL)

1. Both the counsel agree that the observations made by the Presiding Officer while disposing the application under Order 39 Rule 2A will not be used against the petitioner in the appeal which he has filed in the judgment of the Court that ultimately dismissed the suit. The

civil revision in C.R. No.334 of 2012 does not require to be disposed of on merits under the circumstances but disposed of with the above observation.

2. Considering the fact that there is an agreement of parties with reference to the extent of reliance that could be placed on the observations of the Court in the application in appeal, I will hold this to be operative also in other proceedings. Since the impugned order was at an interlocutory stage and since the appeal is against the final disposal of the case, the judgment in the Appellate Court will properly govern the rights of the parties. I will, therefore, find no use for any observations of the trial Court and the Appellate Court while disposing of the application under Order 39 Rule 2A to be used in any other proceedings there.

3. This civil revision in C.R. No.7954 of 2011 is also disposed of as unnecessary and the rights will be ultimately governed by the decision in appeal against the final judgment of the trial Court.

(K. KANNAN)
JUDGE

March 27, 2015
Pankaj*