

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

C.R. No. 808 of 2015

Date of decision: 10.02.2015

Rajinder Singh

....Petitioner(s)

Versus

Usha Malhotra and another

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. A.S. Syan, Advocate,
for the petitioner.

G.S.SANDHAWALIA, J. (Oral)

The present revision petition has been filed challenging the order dated 09.12.2014 (Annexure P-2) whereby, the application for condonation of delay had been allowed and main civil appeal has been registered for decision on merits by the Additional District Judge, Rupnagar.

It is to be noticed that earlier in C.R. No. 3947 of 2012, this Court had issued directions to the Execution Court to dispose of the execution application filed by the petitioner within 3 months from the date of receipt of the copy of the order. On the request of the Civil Judge (Sr. Divn.), Rupnagar, further time of 3 months was granted on 26.07.2013 in C.M. No. 15619-CII of 2013 in the above said case. That on 17.11.2014, warrants of possession were issued by the Executing Court in view of the third party objections having been dismissed on 30.05.2013. The respondent challenged the said order before this Court and this Court, vide order dated 22.12.2014, disposed of C.R. No. 8603 of 2014 keeping in mind that in C.R. No. 02 of 2014, the Appellate Court had been directed to decide the appeal of the respondents within 3 months from the date of the receipt of the copy of the order and the time had been extended thereafter on

10.12.2014 by 3 months. The respondents were, however, protected till the decision of the appeal. The relevant part of the order reads thus:-

“7. Keeping in view the above background, this Court is of the opinion that the petitioner be not dispossessed till the final decision of the appeal filed by the petitioner which is pending before the Addl. District Judge, Ropar.

8. Counsel for the respondents submits that the main appeal be ordered to be decided within some time frame. Since it is the admitted case of the respondents that the arguments have been heard and the appeal is fixed for orders and this Court had earlier fixed the time frame, no further order would be warranted in this regard.”

Counsel has accordingly submitted that in view of the interim protection granted by this Court, counsel for the respondents is not arguing the appeal.

Keeping in view the background of the case and the fact that the petitioner is a decree holder and the suit was decided way back on 17.11.2008, this Court is of the opinion that the Lower Appellate Court, Rupnagar shall make an endeavour to decide the appeal at the earliest since the application for condonation of delay has already been allowed.

With the above said observations, the present revision petition stands disposed of while upholding the order dated 09.12.2014.

10.02.2015
shivani

(G.S. SANDHAWALIA)
JUDGE