

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

CR No. 3905 of 2016

Date of decision :01.06.2016

Om Singh

.....Petitioner

Versus

Sham Singh

.....Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Parminder Singh, Advocate
for the petitioner.

DARSHAN SINGH, J. (Oral)

1. The present petition has been preferred against the order dated 18.05.2016 passed by the learned First Appellate Court vide which the application moved by the petitioner for vacation of interim injunction has been dismissed.

2. I have gone through the order which runs into seven pages. The arguments on all the pleas were advanced by the learned counsel for the parties before the learned First Appellate Court. But, instead of disposing the appeal, the learned First Appellate Court has wasted its energy and time just to dispose of the application for vacation of interim injunction and then to fix the case for arguments on the appeal.

3. Learned counsel for the petitioner contended that in

the application moved by the petitioner, it was mentioned that the appeal may be decided or in the alternative the interim injunction should be vacated. Even, in the impugned order in para no.4, that in the application moved by defendant (petitioner before this Court) it has been mentioned that as the police is harassing him, therefore, the appeal may be dispose of expeditiously or in alternative the interim injunction may be vacated in the interest of justice.

4. It was only a miscellaneous appeal and only arguments were to be heard by the learned First Appellate Court. The learned First Appellate Court could have disposed of the appeal itself in view of the arguments advanced by learned counsel for the parties.

4. Any how, the present revision petition is hereby disposed of with a direction to the learned First Appellate Court to dispose of the Misc. Civil Appeal No. 18/16 titled as 'Sham Singh Vs. Om Singh' within three months from the date of this order on merits.

5. Copy of this order be communicated to the learned First Appellate Court for compliance.

01.06.2016

S.khan

(DARSHAN SINGH)
JUDGE