

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

CR No.4898 of 2016 (O&M)

Date of decision: 03.08.2016

Balwinder Singh

-Petitioner

Versus

Sunil Kumar and others

-Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. R.P. Kansal, Advocate
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

[1]. Learned counsel for the petitioner contends that two appeals were pending before the lower Appellate Court, out of which Civil Appeal No.27009 of 2013 was filed by Sunil Kumar against the present petitioner.

[2]. Civil Revision No.4798 of 2016 titled as Balwinder Singh and Sunil Kumar and others was filed in this Court in which following order was passed:-

“[1]. Petitioner seeks issuance of direction to the lower Appellate Court where Civil Appeal No.27009/2013 titled as Sunil Kumar and another vs. Balwinder Singh and others is pending to decide the appeal in a time frame schedule.

[2]. Plaintiffs filed suit for permanent

injunction in respect of suit land, which was dismissed by the trial Court vide judgment and decree dated 01.02.2013. An appeal was filed by the plaintiffs against the said judgment and decree which is pending before the lower Appellate Court since the year 2013.

[3]. Learned counsel for the petitioner contends that during pendency of the appeal, petitioner has been dispossessed from the suit land and he has already filed suit for possession in respect of suit land. The appeal is being unnecessarily delayed. Reference has been made to para No.3 of the petition where numerous adjournments with reference to dates have been shown.

[4]. Be that as it may, it would be just and appropriate to ask the lower Appellate Court to decide the appeal expeditiously by giving short adjournments in the pending application under Order 6 Rule 17 CPC and also to make every endeavour to decide the appeal expeditiously in accordance with law.

5]. In view of above, the revision petition stands disposed of.”

[3]. The present revision petition has been filed in respect of inaction in the Civil Appeal pending before the lower Appellate Court. Apparently, appeals are pending before the lower Appellate Court since 2013. Petitioner has already been dispossessed from the suit land during pendency of the appeal for which he has already resorted to by filing suit for possession.

[4]. Inordinate delay in disposal of appeal before the lower Appellate was highlighted in the Civil Revision No.4798 of 2016 decided by this Court vide order dated 29.07.2016. This revision petition is also disposed of in the same term.

Ordered accordingly.

(RAJ MOHAN SINGH)
JUDGE

03.08.2016
prince

Whether Reasoned/Speaking	Yes/No
Whether Reportable	Yes/No