

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

Date of decision:5.10.2016

1.

CR No.6562 of 2016(O&M)

Gram Panchayat of village Sirsi

....Petitioner

VERSUS

Karan Singh and another

.....Respondents

2.

CR No.6619 of 2016(O&M)

Gram Panchayat of village Sirsi

....Petitioner

VERSUS

Ram Dia and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. P.S. Rana, Advocate for the petitioner.

REKHA MITTAL, J. (Oral)

This order will dispose of CR Nos.6562 and 6619 of 2016 as common questions of law and fact are involved for adjudication. However, for the sake of convenience, the facts are taken from CR No.6562 of 2016.

The present petition has been directed against order dated 02.08.2016 passed by the Court of appeal whereby the order dated 29.07.2016 passed by the trial Court dismissing application of the respondents/plaintiffs for grant of permanent injunction has been kept in abeyance in the civil miscellaneous appeal preferred by the respondents/plaintiffs. A perusal of the impugned order would indicate that certain facts recorded in the order are not correct as in the opening lines it

has been mentioned that the present appeal has been filed against the judgment and decree dated 29.07.2016 delivered by learned Civil Judge (Junior Division), Karnal when on the contrary the appeal has been filed against an interlocutory order. Further, it is difficult to understand as to what the Court means by saying that “the judgment challenged shall be kept in abeyance until next date of hearing”. However, without going into merits of the controversy, the petitions are disposed of with a direction to the Court of appeal to dispose of the appeal on the date already fixed i.e. 27.10.2016 or within a period of 15 days thereafter.

OCTOBER 5, 2016

‘D. Gulati’

(REKHA MITTAL)**JUDGE**

Whether speaking/reasoned : yes/no

Whether reportable : yes/no