

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

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**Civil Revision No.6927 of 2016(O & M)
Date of Decision:19.10.2016**

Karnail Singh and another

....petitioners

Versus

Jarnail Singh and others

.....respondents

CORAM: HON'BLE MR.JUSTICE ARUN PALLI

Present: Mr.Jag Nahar Singh, Advocate
for the petitioners

ARUN PALLI, J. (ORAL):

CM No.21481-CI of 2016

Application is allowed as prayed for.

CM No.21480-CI of 2016

For the reasons set out in the application, that is duly supported by an affidavit, same is allowed, subject to all just exceptions. Consequently, legal representatives of deceased Jagir Kaur-respondent No.5, who is stated to have died on 11.03.2011, as depicted in para No.2 of the petition, are brought on record.

CM stands disposed of.

Civil Revision No.6927 of 2016

Learned counsel for the petitioners contends that the petitioners happened to be the defendants in the suit filed by the respondents. And vide judgement and decree dated 09.10.2015, the trial Court dismissed the suit as also the counter claim preferred by the petitioners. Both the Wills, purport to have been executed by late Banta Singh i.e. father of the petitioners and respondents No.1 and 2, propounded by the parties, were disbelieved by the

trial Court. And being aggrieved by the said judgement and decree both the parties have preferred their respective appeals.

The limited prayer that has been advanced by the learned counsel for the petitioners is that the petitioners had also moved an application, along with the appeal, seeking to injunct respondents No.1 and 2 from alienating the suit property, but despite lapse of a considerable time, the application continues to be pending. Therefore, he submits that the learned first appellate Court be directed to dispose of the application moved by the petitioners dated 22.09.2015 (Annexure P4), in Civil Appeal No.1157 of 2015 (Karnail Singh and another versus Jarnail Singh and another), at the earliest.

In the wake of the above position, at this stage, I am of the view that it would be appropriate if the petitioners move the first appellate Court, itself, in the first instance, with an appropriate prayer. There is hardly any doubt that if any such prayer is made, the same shall be dealt with, as is required or is necessary.

With these observations, the petition is disposed of.

19.10.2016

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(ARUN PALLI)
JUDGE