

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

C.R. No.7630 of 2015 (O&M)
Date of Decision.15.09.2016

Rajiv Kumar and another

.....Petitioners

Vs

Lachman Singh and others

.....Respondents

Present: Mr. Naresh Jain, Advocate
for the petitioners.

Mr. Deepak Kaushal, Advocate
for respondent Nos.1 to 4, 7 and 8.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The prayer in the application is for stay of further proceedings before the Court below for recovery at the instance of the petitioner-plaintiff on the premise that he has not been successful in obtaining interim order against the alienation of the property in suit for recovery. The main case is listed for 29.09.2016. Both the counsel are ad idem that the main case be taken up for disposal and accordingly, the case is taken up today itself for final disposal.

Mr. Naresh Jain, learned counsel appearing for the petitioners submits that while dismissing the misc. appeal against the order of the trial Court declining the interim application, there are certain observations which have not been held to be expression of opinion on merits of the suit and it will seriously affect the adjudication of the suit which is listed for final arguments.

Mr. Deepak Kaushal, learned counsel appearing for the respondents submits that no effort has been made to bring on record the

proceedings though the suit is listed for final arguments and therefore, the application was/is liable to dismissed, much less, the revision petition.

I have heard learned counsel for the parties, appraised the paper book and of the view that since the counsel for the petitioner has confined his prayer only with regard to the fact that finding rendered by the lower Appellate Court ought not to be taken into consideration by the trial Court while deciding the suit, the order under challenge is confirmed and it is made clear that the finding rendered in the interim application as well as in misc. appeal shall not be construed as expression of opinion on merits of the suit, stated to be pending.

The revision petition stands disposed of with the above observations.

(AMIT RAWAL)
JUDGE

September 15, 2016

Pankaj*

Whether reasoned/speaking

Yes

Whether reportable

No