

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

Sr. No.121

Civil Revision No. 1802 of 2017 (O&M)
DECIDED ON: March 14, 2017

Surinder Singh

..PETITIONER

VERSUS

Palwinder Singh & Anr.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

JASPAL SINGH, J. (ORAL)

CM No.5609-CII of 2017

Application is allowed as prayed for.

CR No.1802 of 2017

By virtue of the instant civil revision preferred under Article 227 of the Constitution of India, petitioner has sought issuance of directions to learned Additional District Judge, Gurdaspur, to decide the civil appeal bearing case No.60, dated 31.05.2014 captioned as '*Surinder Singh vs. Palwinder Singh*' or an application under Order 41 Rule 5 CPC filed along with appeal.

2. The contention of learned counsel for the petitioner is that though the appeal against the judgment and decree dated April 29, 2014 passed by Civil Judge (Jr. Divn.), Batala is pending before the Additional District Judge, Gurdaspur. But, despite the fact that a

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period of more than 02 years & 06 months has elapsed, neither the appeal nor application under Order 41 Rule 5 CPC has been decided.

3. The instant petition is disposed of with the direction to the Appellate Court to decide the main appeal referred to above para no.1 of this judgment within a period of two months from the date of receipt of certified copy of this order.

4. However, proceedings before the trial court shall remain stayed till the appeal is decided.

March 14, 2017

Ankur

**(JASPAL SINGH)
JUDGE**

Whether speaking/reasoned **Yes**

Whether reportable **No**