

C.R. No.3416 of 2017

Gurpreet Kaur
2017.05.02 12:25
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high court

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

C.R. No.3416 of 2017

Date of Decision: 18.05.2017

Gurcharan Singh and others

....Petitioners

Versus

Gurpreet Singh and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. Shakti Bhardwaj, Advocate
for the petitioners.

DAYA CHAUDHARY, J. (ORAL)

Learned counsel for the petitioners submits that the petitioners are in possession of land, in dispute and their objections have been dismissed, whereas, the application moved by respondent No.8 under Order 9 Rule 13 of the Code of Civil Procedure, 1908 is still pending. Learned counsel further submits that the petitioners would be satisfied, in case, they may not be dispossessed of the property, in dispute till the decision of application moved by respondent No.8.

Notice of motion.

Notice on behalf of respondent No.1 has been accepted by Mr. Dhirinder Chopra, Advocate, who submits that the objections filed by the petitioners have been dismissed and even Civil Revision No.4454 of 2016 filed by Sarabjit Kaur @ Saravjit Kaur has already been dismissed by this Court on 21.02.2017.

On perusal of order passed in Civil Revision No.4454 of 2016, it appears that only the application filed under Section 151 of Code of Civil Procedure was dismissed but the observation was made in the order that the

application moved under Order 9 Rule 13 of the Code of Civil Procedure by respondent No.8 was ordered to be decided by the trial Court in accordance with law.

By considering the submissions made by learned counsel for the parties and on perusal of impugned order as well as other documents available on the file and also the decision in *C.R. No.4454 of 2016*, the limited submission made by learned counsel for the petitioners appears to be convincing that as they are in possession of the land, in dispute and the application moved by respondent No.8 under Order 9 Rule 13 of the Code of Civil Procedure is still pending.

Accordingly, the present petition is disposed of with a direction to the trial Court to make all efforts to decide the application under Order 9 Rule 13 of the Code of Civil Procedure within a period of three months. The petitioners are allowed to be in possession of the land, in dispute, till the decision of said application, if they are in possession.

The petition is disposed of accordingly.

(DAYA CHAUDHARY)
JUDGE

18.05.2017
gurpreet

Whether speaking/reasoned	Yes
Whether Reportable	No