

111 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5592 OF 2017 (O&M)

Date of Decision: 22.08.2017

Sadhu Singh and ors

.....Petitioners

Vs

Harbhajan Singh and anr

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

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

RAJ MOHAN SINGH, J.(Oral)

Learned counsel for the petitioners contends that suit of the plaintiff-petitioner was decreed by the trial Court vide judgment and decree dated 16.09.2013. Appeal was filed by defendant No.1 Harbhajan Singh in which respondent No.2(vii) i.e. Baljit Singh was specifically impleaded as one of the legal representative of Sadhu Singh. However, while deciding the appeal, the lower Appellate Court omitted to show the name of aforesaid Baljit Singh as one of the legal representative of Sadhu Singh in the memorandum of parties shown in the judgment and decree dated 30.08.2016.

An application was filed before the lower Appellate Court for correction in the memorandum of parties and the said application is still pending before the lower Appellate Court

since 20.12.2016.

Learned counsel submits that the delay in disposal of the said application has virtually caused material prejudice to the appellant as he cannot file appeal against the judgment and decree dated 30.08.2016 till necessary modification is done by the lower Appellate Court in the main judgment and decree.

In view of nature of prayer made in the revision petition, there is no necessity of issuing any notice to the respondents as no order prejudicial to the rights of any of the party is being passed.

At this stage, the lower Appellate Court can be directed to dispose of the pending application under Section 152 CPC at the earliest.

Ordered accordingly.

August 22, 2017.
 jyoti

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No