

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

CR No.2319 of 2016 (O&M)
Date of decision : 05.04.2018

Madan Lal

...Petitioner

Versus

Karnail Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. B.S. Bhalla, Advocate for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner is in the revision petition against the order passed by the learned First Appellate Court granting the injunction, subject to the plaintiff-petitioner depositing ₹17,088/- per month + ₹8,544/- per month for two shops.

While issuing the notice of motion, this Court directed the petitioner to pay/deposit ₹6,000/- for shop No.2 and ₹7,000/- for shop No.3.

Learned counsel for the petitioner has submitted that the aforesaid amount is being regularly deposited in the treasury.

On the other hand, learned counsel for the defendants-respondents has submitted that due to pendency of the revision petition, the trial of the case has been stayed, although there was no order to this effect from this Court. He has also submitted that a separate suit has been filed by the defendants-respondents seeking mandatory injunction of delivery of possession against the petitioner-plaintiff. It is the case of the landowners i.e. defendants-respondents that the petitioner is a licensee whereas it is the case

of the petitioner that he is a tenant on the land.

Be that as it may. Since, the suit is pending in the trial Court for more than two years and some interim payment is being deposited, this Court is of the considered opinion that rather than deciding this revision petition on merits, it would be more appropriate if the trial Court is directed to decide the suit within a period of one year.

Learned counsel for the parties have undertaken that they will conclude their evidence within three effective opportunities each.

Learned trial Court is requested to make a sincere endeavour to decide the suit within the time stipulated above.

Learned counsel for the respondents has pointed out that the amount as ordered by this Court is being deposited in treasury and it is very difficult to withdraw the amount from the aforesaid.

Learned counsel for the petitioner has offered to deposit the amount in the bank account, details whereof would be provided by the counsel for the respondents, maintained in the name of respondents henceforth.

In view of the above, the present revision petition is disposed of.

All the pending miscellaneous applications, if any, are disposed of, in view of the abovesaid judgment.

05.04.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No