

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

**CR No. 3190 of 2018
Date of decision: 11.5.2018**

Kishore Singh and another

... Petitioners

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Ajit Singh Sodhi, Advocate
for the petitioners.

ARUN PALLI, J. (Oral)

Vide this petition, under Article 227 of the Constitution of India, the petitioners pray for a direction to the Additional District Judge, Fazilka, to consider and decide their appeal expeditiously.

An application for ad-interim injunction moved by the petitioners under Order 39 Rule 1 and 2 of the Code of Civil Procedure, was dismissed by the trial court, vide order dated 28.4.2017. The limited grievance that they have is; that even though they filed a miscellaneous appeal against the order declining injunction, but the same is pending for over a year, and the matter has not made any tangible progress. And, in the absence of any interim protection, the petitioners may forcibly be dispossessed any moment. The matter purport to be pending before Sh. Vijay Kumar, Additional District Judge, Fazilka, and is fixed for 12.7.2018.

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Be that as it may, in the situation, the petitioners ought to have moved the Court that is in seisin of the appeal, in the first instance. Thus, this petition is disposed of, at this stage, with liberty to the petitioners to move an appropriate application before the appellate court for expeditious disposal of their appeal. And this Court is sanguine that in the event any such application is moved, the same shall be considered and dealt with, without any further loss of time. And if not earlier, the court shall make every endeavour to decide the same on the date already fixed, i.e. 12.7.2018.

11.5.2018
AK Sharma

(ARUN PALLI)
JUDGE

Whether speaking / reasoned:	YES
Whether Reportable:	NO