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

CR No. 5302 of 2018
Date of Decision: 28.08.2018

Sh. Sarvesh Kumar Jindal

-Petitioner

Vs

M/s Victor Cycles Private Limited

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Nitin Thatai, Advocate,
for the petitioner.

RAJ MOHAN SINGH, J. (ORAL)

1. Petitioner has preferred this revision petition for issuance of necessary directions to the lower Appellate Court to decide the pending appeal as well as the application under Order 6 Rule 17 CPC filed by defendant-present respondent.

2. The suit of the plaintiff-petitioner for specific performance was decreed by the trial Court on 30.11.2012, against which an appeal was preferred by the judgment debtor-respondent before the lower Appellate Court on 03.01.2013.

3. Till today, no decision has been given on the pending appeal. An application under Order 6 Rule 17 read with Section 151 CPC filed by the defendant-present respondent is also pending before the lower Appellate Court.

4. Even on the said application, arguments have been

partly heard by the lower Appellate Court but till date, neither the said application has been decided nor the main appeal has been taken for consideration. More than 05 years have gone by from the date of decree passed by the trial Court and the decree holder has been deprived of the fruits of the decree of specific performance wherein defendant was directed to execute the sale deed in favour of the plaintiff-petitioner within a period of two months and the plaintiff was directed to deposit the balance sale consideration within a period of 02 months.

5. In view of nature of order which this Court proposes to pass, there is no necessity of issuing any notice to the respondent as no order prejudicial to the right of either of the party is being passed.

6. In view of nature of proceedings pending before the lower Appellate Court, it would be in the fitness of things to direct the lower Appellate Court to decide the pending application under Order 6 Rule 17 CPC for amendment of the written statement at the earliest and after disposing of the same in accordance with law, the lower Appellate Court shall proceed to decide the pending appeal at the earliest.

7. It would be appreciated if the pending proceedings before the lower Appellate Court are decided preferably within a period of six months from the date of receipt of certified copy of this order.

8. Disposed of.

28.08.2018
Jyoti Yadav

(RAJ MOHAN SINGH)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No