

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

300

CR No.5482 of 2017
Date of decision: 14.02.2018

M/s Suraj Tractors and others

..... Petitioners

Versus

Same Deutz Fahr India Pvt. Ltd. and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- None for the petitioners.

Mr. Rohit Sud, Advocate
for respondent No.1.

ANIL KSHETARPAL, J. (ORAL)

Although, learned counsel for the petitioners is not present, however, the nature of the order being passed by this Court would prejudice no one.

Petitioners have filed this revision petition asserting that their first appeal against dismissal of application under Order 9 Rule 13, CPC is pending whereas the execution proceedings pursuant to the decree are continuing.

This Court while issuing notice of motion on 18.08.2017 had passed the following order:-

“Learned counsel for the petitioners states that the appeal before the Lower Appellate Court arising out of order under Order 9 Rule 13 CPC is pending for 19.08.2017. The appeal has already been accompanied by an application under Section 5 of the Limitation Act.

Notice of motion for 08.09.2017.

Till the next date of hearing, execution proceedings shall be kept in abeyance. However, the Appellate Court is directed to decide the pending appeal either on the next date of hearing or within reasonable time thereafter preferably before the date fixed by this Court.”

Learned counsel for the respondent has pointed out that on the one hand, the execution proceedings have been kept in abeyance whereas the learned First Appellate Court has failed to decide the appeal although more than six months have elapsed.

Taking into consideration the aforesaid facts, the learned First Appellate Court is requested to decide the first appeal pending before it within a period of two months from the date of receipt of certified copy of this order.

In the meantime, the interim order passed by this Court on 18.08.2017 shall continue.

Revision petition is disposed of.

14.02.2018
Dinesh Bansal

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No