

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

CR No.8616 of 2016 (O&M)

Date of decision : 27.02.2018

M/s New Age Town Planners Limited (Now known as M/s BPTP Parklands
Pride Limited)

...Petitioner

Versus

Ashok Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Hemant Saini, Advocate for the petitioner.

Mr. Surender Dhull, Advocate for respondent Nos.1 to 6.

Mr. Animesh Sharma, Advocate for respondent Nos.9 and 11.

ANIL KSHETARPAL, J. (ORAL)

The present revision petition has been filed against the order passed by the learned First Appellate Court granting certain protection to the plaintiffs while deciding the appeal arising out of the order passed under Order 39 Rules 1 and 2 CPC.

Learned counsel for the respondents-plaintiffs has pointed out that both the parties have concluded their evidence in the suit and final arguments have commenced.

While issuing notice of motion, this Court did not grant any interim order. Since the suit itself is now being decided by the trial Court, this Court does not think that any purpose would be served by keeping the

revision petition pending.

Learned counsel for the defendant-petitioner has pointed out that the First Appellate Court had directed the petitioner to reserve certain plots or flats. He submits that such observations made by the First Appellate Court would be adversely affect his client's interest at the time of the final hearing.

In the considered opinion of this Court, the observations made by this Court or even a prima facie findings arrived at by the Court while deciding the application filed under Order 39 Rules 1 and 2 CPC would not have any bearing when the Court is finally deciding the suit after examining the evidence.

Keeping in view the aforesaid facts, the revision petition is disposed of while requesting the learned trial Judge to finally decide the suit within a period of one month from the date of receipt of certified copy of the order.

Revision petition is disposed of.

27.02.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No