

MUKH RAM SAINI VS NARAIN SINGH ETC.

Present: Mr. Sachin Mittal, Advocate,
for the applicant-appellant.

Mr. H.S.Hooda, Senior Advocate, with
Mr. Naveen Kashyap, Advocate,
for the respondents.

**

Application for review is pending in this court for the last 19 years. On 05.10.1999, Hon'ble Judge dismissed the appeal by passing a following order:-

“Heard.

No ground to interfere with the decree passed by learned Lower Appellate Court affirming that of learned trial Court, which is based on correct appreciation of evidence.

Dismissed.

(Sd/-M.L.Singhal, Judge)”

The same Hon'ble Judge vide order dated 29.11.1999 entertained the review application and stayed the operation of the decrees passed by the courts below. The order dated 29.11.1999 is also extracted as under:-

“Notice of motion of this review application No.53-C of 1999 to Narain Singh and others respondents-plaintiffs for January 17, 2000.

Operation of the decrees passed by the courts below is stayed till further orders

(Sd/-M.L.Singhal, Judge)”

Thereafter the review application has remained pending for one reason or the other. There is further order passed on 02.03.2004 when the court admitted the appeal. The order dated 02.03.2004 is extracted as

under:-

“Contends that the evidence led by the plaintiffs has been misread. In fact, the plaintiffs have not been able to prove their possession or ownership over the suit land.

Admitted.

The parties are directed to maintain status-quo regarding possession over the suit property till further orders.

It is directed that none of the parties to the appeal shall alienate the suit property in any manner, except with the prior permission of the Court.”

Keeping in view the aforesaid facts, it is considered appropriate that rather than hearing the review application, it would be more appropriate if the main appeal which is already more than 19 years old, is taken up for final hearing.

In view of what has been stated hereinabove, the order dated 05.10.1999 is re-called as the same is not a speaking order.

Further the same Hon'ble Judge who has now retired had issued notice in the review application and granted stay. Hence, the application for review is allowed.

Let Regular Second Appeal No.3820 of 1999 be listed for final hearing on 08.10.2018.

To be listed in urgent.

**September 04, 2018
nt**

**(ANIL KSHETARPAL)
JUDGE**