

FAO-2883-2001+CONNECTED CASES

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

Date of Decision : 29.1.2018

304

FAO-2883-2001 (O&M)

M/S JAGDISH RAJ & BROTHERS

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

304-A

FAO-3239-2001 (O&M)

M/S JAGDISH RAJ & BROTHERS

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

304-B

FAO-2438-2001(O&M)

M/S JAGDISH RAJ & BROTHERS

....APPELLANT

VS

UNION OF INDIA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. Dheeraj Mahajan, Advocate
for the appellant.

Mr. Balraj Singh Malik, Advocate
for the respondent-UOI.

AJAY TEWARI, J.(Oral)

This order shall dispose of the aforesaid appeals as common
questions of law and facts are involved therein.

This set of appeals has been filed against the order dated 24.9.1999 passed by the Civil Judge Senior Division Amritsar. Learned counsel for the appellant has submitted that after this judgment, the appellant had filed an appeal before the Additional District Judge, Amritsar which was returned back on the ground that of Additional District Judge did not have the pecuniary jurisdiction to hear the appeal. It was thereafter the present appeals were filed.

Learned Counsel for the appellant states that now another amendment has come in 2006 whereby the Additional District Judge would have the jurisdiction to decide these appeals as per the amendment in Section 39 in Punjab Courts Act, 1918 in 2006 which is to the following effect:-.....

“Section 39

[39. Appeals from Civil Judge (Senior Division) and Civil Judge (Junior Division).-(1) Save as aforesaid, an appeal from a decree or order of a Civil Judge (Senior Division) and Civil Judge (Junior Division), shall lie to the District Judge, irrespective of the value of the original suit.

(2) Subject to the provisions of sub-section (3), an appeal to the Court or the District Judge shall be heard by the District Judge or by an Additional District Judge.

(3) An Additional District Judge shall hear only such appeals ,as the High Court may, be general or special order direct, or as the District Judge of the District may entrust to him.

(4) All appears from a decree or order of a Civil Judge (Senior Division) and Civil Judge (Junior Division) pending in the High Court, irrespective of the value of the original suit, shall be transferred to the District Judge exercising ordinary territorial jurisdiction.

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(5) The High Court may, by notification, direct that appeals lying to the District Judge from all or any of the decrees or orders passed in any original suit by an Civil Judge (Senior Division) and Civil Judge (Junior Division) shall be preferred to such other Civil Judge (Senior Division) and Civil Judge (Junior Division), as may be specified in the notification, and the appeals shall thereupon, be preferred accordingly, and the Court of such other Civil Judge (Senior Division) and Civil Judge (Junior Division) shall be deemed to be a District Court for the purpose of all appeals so preferred.”

Learned counsel for the appellant states that these appeals should be remanded back for fresh orders. Learned counsel for the respondent has also accepted the same.

Consequently, the order dated 12.2.2001 of Additional District Judge, Amritsar is set aside and the matter is remanded back to the District Judge, Amritsar to decide the appeals afresh in accordance with law. Considering the fact that the matter is very old, it is directed to the appellate Court to decide the same expeditiously.

Since the main cases have been decided, the pending C.M, if any, also stand disposed of.

29.1.2018
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No