

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

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RSA-1049-2015 (O&M)
Date of decision: 08.05.2018

MAJOR SINGH AND ANR

... Appellants

Versus

AMRIK SINGH AND ORS

... Respondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present : Mr. G.S. Sandhu, Advocate for the appellants.

REKHA MITTAL, J. (Oral)

The present appeal directs challenge against judgment and decree dated 29.05.2013 passed by the trial Court whereby suit for possession by way of specific performance of agreement dated 08.05.2006 filed by the respondent/plaintiff was partly decreed and alternative relief for recovery of Rs.2 lakh was allowed.

The appeal preferred before the first appellate court was filed after stipulated period of limitation and an application for condoning delay of 508 days was filed. The appellate court dismissed the application for condonation of delay vide order dated 11.03.2015, therefore, the appeal was not decided on merits. In view of the Division Bench judgment of this Court **Des Raj VS. Om Parkash and Bidar Lal, 1986 AIR (Punjab) 3**, the appropriate remedy available to the appellants is to file a civil revision against the order passed by the appellate court. In this view of the matter, the present appeal stands disposed of but without prejudice to right of the appellants to avail appropriate remedy, in accordance with law.

**(REKHA MITTAL)
JUDGE**

08.05.2018

ashok

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No