

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

**SAO No. 44 of 2016 (O&M)
Date of Decision: 23.05.2018**

Gauri Shankar and others

...Appellants

Versus

Dalip Singh through his LRs

...Respondents

CORAM:- HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. A. P. Kaushal, Advocate
for the appellants.

Mr. H. S. Bedi, Advocate
for the respondents.

KULDIP SINGH J. (Oral)

The present appeal has been filed against the impugned order dated 10.05.2016, passed by the Additional District Judge, Ludhiana and judgment and decree dated 13.08.2014, passed by the Civil Judge (Jr. Divn.), Ludhiana.

I have heard learned counsel for the parties.

It comes out that the civil suit, filed by the plaintiff/respondent, was decreed vide judgment and decree dated 13.08.2014, passed by the learned Civil Judge (Jr. Divn.), Ludhiana. In the appeal, learned Additional District Judge, Ludhiana remanded the case to the trial Court with a direction to pass the specific order making the decree executable. The said order has been challenged by the defendants by way of filing the present appeal before this Court. It comes that as a result of remand of case, learned Civil Judge (Jr. Divn.), Ludhiana has again passed a detailed order granting

the specific relief, vide order dated 16.07.2016. It being so, now the said order has to be challenged along with the main judgment by way of an appeal. It being so, the present SAO is disposed of having been rendered infructuous with liberty to the appellants to challenge the impugned judgment as well as order dated 16.07.2016 by way of filing an appeal in accordance with law. The time consumed before this Court shall be excluded for the purpose of computing limitation.

However, in order to enable the present appellants to file the appeal, their dispossession shall remain stayed for a period of 30 days only from the receipt of certified copy of this order. If during this period, an appeal is filed by the appellants, this order will be subject to the decision of the appellate Court and if no appeal is filed during this period, this order shall be deemed to have been vacated automatically.

23.05.2018*Waseem Ansari***(KULDIP SINGH)
JUDGE***Whether speaking/reasoned
Whether reportable**Yes/No
Yes/No*