

**CM-15777-C-2017 in/& RA-145-C-2016 (O&M) in
RSA-3695-2011**

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

Date of Decision: 08.05.2018

**CM-15777-C-2017 in/& RA-145-C-2016 (O&M) in
RSA-3695-2011**

Jagmeet Singh DhillonAppellant

Versus

Gurmel Singh and ors.Respondents

FAO-7747-2016

Jagmeet Singh DhillonAppellant

Versus

Gurmel Singh and anr.Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Rakesh Gupta, Advocate and
Mr. Karan Gupta, Advocate
for the applicant-appellant.

Mr. Sumeet Mahajan, Sr. Advocate with
Mr. Amit Kohar, Advocate
for respondent No.1.

Mr. Namit Gautam, Advocate
for respondents No.2 to 5.

AMIT RAWAL J.(ORAL)

CM-25975-CII-2016 in FAO-7747-2016

This is an application for condonation of delay of 631 days in
filing the appeal.

For the reasons mentioned in the application, delay of 631 days
in filing the appeal is condoned.

CM stands disposed of.

Main case

This order of mind shall dispose of above said review application in RSA No.3695 of 2011 and FAO No.7747 of 2016.

Mr. Sumeet Mahajan, learned Senior Counsel assisted by Mr. Amit Kohar, Advocate on instructions from power of attorney of Mr. Gurmel Singh submits that he has no objection if the order dated 24.08.2016 passed by this Court dismissing the appeal is recalled and the FAO No.7747 of 2016 accompanied by an application seeking condonation of 631 days in filing the appeal whereby the cross objection filed by the defendant Upkar Singh (since deceased) represented by his legal representatives was dismissed in default and an application for restoration also met the same fate and the matter be remitted to the trial Court with a direction to the trial Court to decide the same in a time bound manner.

In view of the aforementioned submission given by Mr. Mahajan, learned senior counsel, the order dated 24.08.2016 is recalled. Judgments and decrees dated 17.05.2011 and 24.12.2014 of the Lower Appellate Court are also set aside. In view of such position, cross objections also are rendered infructuous. The matter is remitted to the trial Court to expedite the trial preferably within a period of 8-10 months by affording four-four effective opportunities to the parties.

The trial Court shall conduct the de novo trial with liberty to the respondent-defendant to file written statement within a period of 15 days from the date of the appearance and further 15 days for replication. Thereafter the trial Court shall call upon the parties to undertake the exercise of admission and denial and frame the issues only on the points at which the parties are at variance.

Parties through their counsel are directed to appear before the
trial Court on 05.07.2018.

(AMIT RAWAL)
JUDGE

May 08, 2018
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No