

222 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.4488 of 2017

Date of Decision:06.09.2019

BALJIT SINGH AND OTHERS

...Petitioners

Versus

BALWANT KAUR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Ms. Deepshikha Chauhan, Advocate
for the petitioners.

Mr. Naresh Jain, Advocate
for respondents No. 7 to 9.

DEEPAK SIBAL, J. (ORAL

The petitioners along with Inderpal Kaur, Reetinder Kaur and Puneetinder Kaur filed a suit seeking therein joint possession of the land detailed and described in the head note of the plaint. Through their suit writing dated 08.02.2002 of *Tabdil Malkiat*, alleged to had be executed by Gurcharan Singh in favour of respondent No.1-Balwant Kaur, was also sought to be declared as null and void.

On 20.03.2014, the petitioners' suit was dismissed by the Additional Civil Judge (Senior Division), Gidderbaha (for short-the Trial Court). Against such dismissal, the petitioners filed an appeal before the District Judge, Sri Muktsar Sahib (for short- the Appellate Court). During the pendency of the appeal, on 07.05.2015, an application was filed by the petitioners seeking therein framing of an additional issue as to whether

respondent No.1/defendant No.1 was a concubine or legally wedded wife of Gurbachan Singh, if she was, then married on which date.

Sensing delay in the decision of the aforesaid application filed by the petitioners, the present petition was preferred before this Court seeking therein issuance of a direction to the Appellate Court to decide the same expeditiously.

Learned counsel for the parties do not dispute that the petitioners' application seeking therein framing of an additional issue has been pending before the Appellate Court for the last over 4 years. That being so, there is no hesitation with this Court to dispose of the present petition by issuing a direction to the Appellate Court to decide the petitioners' application within one month from the date of the receipt of a certified copy of this Court.

The petition is allowed in the above terms.

No costs.

(DEEPAK SIBAL)
JUDGE

September 06, 2019

Jyoti-1 Whether speaking/reasoned Yes/No Whether Reportable Yes/No