

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

**Cross-Objection No. 1-CII of 1997
in/and FAO-2872-1996 (O&M)**

Date of decision: 29.04.2019

Punjab State

...Appellant

Versus

Usha Martin Industries Limited and another

...Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Ms. Rajni Gupta, Sr. DAG, Punjab,
for the appellant.

JAISHREE THAKUR, J. (ORAL)

This is the first appeal that has been filed by the appellant - State of Punjab seeking to challenge the judgment and decree dated 22.03.1996 passed by Civil Judge (Jr. Divn.), Pathankot making the award dated 16.06.1995 rule of the Court and the Cross-objections filed by the claimant in this appeal.

During the pendency of the instant appeal in this High Court, Section 39 of the Punjab Courts Act, 1918 has been substituted by the Punjab Act 29 of 2006 wherein, it is stipulated that *“All appeals 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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In view of the said amendment in 2006, this appeal has to be transferred to the District Judge, Pathankot for decision on merit.

Under these circumstances, this appeal is transferred to the District Judge, Pathankot where the appellant is directed to appear on 08.07.2019. Notice to the respondent-would be issued by the District Judge, Pathankot. As this appeal is pending since the year 1996, it would be expedient for an early decision of the matter, preferably within a period of six months. Registry is directed to remit the entire record of the appeal as well as the Cross-objections to the District Judge, Pathankot forthwith.

Since the Cross-objections were filed by Mr. Sidharth Sarup, Advocate who has since migrated to Canada, an effort was made by this Court to effect service upon the respondent, however, service is incomplete. In this background, it is hereby directed that let service be effected by the District Judge, itself.

The appeal as well as the Cross-objections stand disposed of accordingly.

29.04.2019

Satyawan

**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.