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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.1898 of 2019

Date of Decision: 19.03.2019

Shankar Jai Kishan and others

..... Petitioners

Versus

M/s Oswal Knit India Ltd. and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Ms. Divya Bajaj, Advocate,
for the petitioners.

SUDIP AHLUWALIA, J. (ORAL)

In this petition, the petitioners, who are the petitioners in CA No.165 of 2017, pending in the Court of Ld. Additional District Judge, Panchkula, seek a direction for disposal of the said appeal on the next date fixed, i.e. 04.04.2019 (wrongly typed as 04.04.2018).

2. Their grievance is that the appeal has remained undisposed for almost two years after the petition was originally filed on 31.05.2017.

3. Seen the Zimni orders, passed by the various Courts, from the date of filing of the said petition till 26.02.2019 (Annexure P-5) collectively. Admittedly, there has been delay in final disposal, but the same cannot be imputed altogether to the Courts concerned. It is seen that at the initial stages, several adjournments have been prayed for by the petitioners' Counsel himself.

4. It is, however, seen that the petition in question came up before the Ld. Additional District Judge, Panchkula, by way of transfer, on 13.11.2018, on which date the respondents also appeared after service of fresh notice. That day the matter was adjourned to 05.02.2019. Subsequently, on joint request of the parties, it was adjourned to 26.02.2019. But on that said last date, it has now been posted for 04.04.2019, on prayer of the respondents' side.

5. In the given facts and circumstances, this Court is of the opinion that while there has not been any overtly dilatory approach on the part of the concerned Forum, but considering that by now the petition itself is almost two years old, the present petition is disposed off with a direction to the Ld. Court below to make an endeavour to hear and decide the appeal on merits, either on the next date fixed (i.e. 04.04.2019), and if not feasible, as soon thereafter as may be possible, but preferably before closure of the Courts for the ensuing Summer Vacation. To secure this end, the Ld. Court below shall not grant any unnecessary adjournment to either of the parties.

19.03.2019*Apurva***(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No