

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

102+269

CM No.14715-CII of 2019 in/and
CR No.2668 of 2019

Date of Decision : 01.11.2019

Beant Singh Boparai

....Petitioner

v/s

Malkeet Singh Atwal and others

....Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present: Mr. H.P.S. Ghuman, Advocate for the petitioner.
Mr. Sandeep Verma, Advocate for respondent Nos.2 to 6 & 8.
Mr. Pradeep Singh, Advocate for Mr. R.S. Modi, Advocate
for respondent Nos.9 & 10.

B.S. Walia, J. (Oral)CM No.14715-CII of 2019***Allowed***, as prayed for.

Annexures A-1 & A-2 are taken on record.

CR No.2668 of 2019

[1] Learned counsel for the parties are in agreement that the impugned order be set aside by directing the learned trial Court to consider and decide the application for grant of leave to institute the suit under Section 91 (1) (b) of the Code of Civil Procedure, 1908 in a time bound manner with the further agreement that in the eventuality of the learned trial Court, allowing the application and granting permission to the respondent-plaintiff to continue with the civil suit in a representative capacity then in that eventuality, the learned trial Court be directed to consider and decided the civil suit in a time bound

[2] In view of the statement of learned counsel for the parties, revision petition is ***allowed***, impugned order (Annexure P-1) dated 01.03.2019 is *set aside*. Learned trial Court is directed to consider and decide the application filed by the respondent-plaintiff for leave to institute the civil suit in representative capacity in accordance with law, as expeditiously as possible, preferably within a period of 04 weeks from the date of receipt of certified copy of the order. In the eventuality of the learned trial Court coming to the conclusion that leave is to be granted to the respondent-plaintiff then in that eventuality learned trial Court to endeavour to conclude the proceedings in accordance with law, as expeditiously as possible, preferably within a period of 01 year.

(B.S. Walia)
Judge

November 01, 2019
'Rajneesh'

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No