

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

CR No.5676 of 2019

Date of Decision:12.09.2019

SIMMI SARIN

...Petitioner

Versus

S.SUKHWINDER SINGH(DECEASED) TH. LR AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Rajinder Sharma, Advocate for the petitioner.

DEEPAK SIBAL, J. (ORAL)

In the year 2006, respondent No.1 filed a suit seeking therein specific performance of agreement to sell dated 03.11.2005 in respect of the land detailed and described in the head -note of the plaint (for short-the suit property). Permanent injunction to restrain the petitioner and respondents No.2 to 4 from constructing, alienating, selling, mortgaging or in any other manner transferring the suit property was also sought. Challenge was also made to sale deeds dated 15.02.2006, 27.03.2006 and 30.05.2007.

On being put to notice, the petitioner and respondents No.2 to 4 who were defendants in the suit, put in appearance before the Trial Court and disputed respondent No.1's claim.

After sifting the evidence led by the parties, on 16.11.2015, the Trial Court decreed respondent No.1's suit. Resultantly, respondent No.2 was directed to execute a sale deed pertaining to the suit property in favour of respondent No.1. The petitioner and respondent No.3 as also respondent

No.4 were further directed to forego their claim qua the suit property. The impugned sale deeds were also set aside.

Within the period of limitation, the petitioner filed an appeal against the aforesaid decree of the Trial Court dated 16.11.2015. During the pendency of the appeal, respondent No.1 sought execution of the aforesaid decree of the Trial Court. The petitioner filed an application for stay of proceedings before the Executing Court on the ground that his appeal filed by him against the decree, the execution of which was being sought, was pending. The Executing Court rejected the petitioner's application through the order under challenge in the present proceedings.

After arguing the matter at some length, learned counsel for the petitioner submits that he does not press the present petition and that he would be satisfied if a direction is issued to the Appellate Court to dispose of his appeal in a time bound manner.

The petitioner's appeal, filed by him against the decree of the Trial Court dated 16.11.2015, has been pending before the Appellate Court for the last over three and a half years. A perusal of the interim orders passed by the Appellate Court further reveal that on several occasions the petitioner's appeal has been adjourned without much justification.

In view of the above, it is considered just and appropriate to dispose of the present petition with a direction to the Appellate Court to finally adjudicate upon the petitioner's appeal within one month from today.

(DEEPAK SIBAL)
JUDGE

September 12, 2019

Jyoti-11 Whether speaking/reasoned Yes/No Whether Reportable Yes/No