

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 111

CR-7527-2019

Date of decision : 27.11.2019

Hindustan Petroleum Corporation
Ltd. and another

..... Petitioners

VERSUS

M/s Dabra Cotton Mills Pvt. Ltd.

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Raman Sharma, Advocate, for the petitioners.

DEEPAK SIBAL, J. (ORAL)

The respondent filed a suit seeking therein to restrain the petitioners, who were the defendants in the suit, from allotting petrol/diesel dealership to any person on the land detailed and described in the head note of the plaint (for short, the suit property). Alongwith the suit the respondent had filed an application under Order 39 Rules 1 and 2 CPC seeking therein *ad interim* injunction. On being put to notice, the petitioners appeared before the Trial Court and contested the respondent's claim. They also filed a reply to the aforesaid application for *ad interim* stay. Through order dated 05.03.2019 the Civil Judge (Senior Division), Sri Muktsar Sahib (for short, the Trial Court), accepted the respondent's interim prayer and resultantly, restrained the petitioners from allotting new dealership to any person on the suit property.

The petitioners filed an appeal against the aforesaid order of the Trial Court granting interim stay. Since such appeal was delayed by six days, the petitioners filed an application under Section 5 of the Limitation Act, 1963 seeking condonation of such delay. On receipt of notice in the above proceedings, the respondent appeared before the Appellate Court on

25.07.2019 and thereafter the matter was adjourned on several occasions to enable the respondent to file a reply which till date has not been filed. It is in these circumstances that the petitioners have filed the present petition under Article 227 of the Constitution of India seeking a direction to be issued to the Appellate Court to expeditiously dispose of their application filed by them seeking condonation of delay in the filing of their appeal and if such delay is condoned, to decide their appeal in a time bound manner.

After hearing learned counsel for the petitioners and perusing the record, the present petition is disposed of with a direction to the Appellate Court to take an early decision on the petitioners' application filed by them seeking condonation of delay in the filing of their appeal against the order dated 05.03.2019, passed by the Trial Court granting interim stay in the respondent's favour. In case, the Appellate Court condones such delay, the petitioners' appeal shall then be taken up and decided by the Appellate Court expeditiously, of course, in accordance with law, after granting adequate opportunity to the respondent.

27.11.2019
shamsher

[DEEPAK SIBAL]
JUDGE

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