

127

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

CR No.49 of 2021

Date of decision: February 22, 2021

Palwinder Singh

.....Petitioner

Versus

Daljit Kaur (now deceased) through her LR's and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Jaswinder Singh Thind, Advocate for the petitioner.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Article 227 of the Constitution of India for setting aside order dated 05.11.2020 passed by Additional District Judge, Amritsar whereby stay application filed by the petitioner in an appeal titled as "Palwinder Singh versus Daljit Kaur etc." has not been decided; rather ordered to be heard with main case which is being adjourned from time to time.

It transpires that learned First Appellate Court on 05.11.2020 passed the following order: -

"Ld. Counsel for appellant requested to pass an injunction order which has been opposed by the counsel for respondents and counsel for respondents stated that he is ready with the arguments on merits of appeal itself. So, I find that after hearing counsel for parties for the purpose of deciding stay application, the main appeal can be decided itself so, ld. Counsel for both the parties agreed to

argue the appeal on merits and counsel for appellant requested to grant some date in the second week of December. Accordingly, adjourned to 15.12.2020 for arguments on merits.”

Once the learned First Appellate Court has chosen not to decide the stay application and adjourned the main appeal for arguments, then the same ought to have been decided at the earliest in the interest of justice.

In view of the above, learned Additional District Judge, Amritsar is requested to decide the main appeal on the date fixed or within three weeks thereafter, if there is no legal impediment.

Disposed off, accordingly.

(MAHABIR SINGH SINDHU)
JUDGE

February 22, 2021

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No