

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

**Civil Revision No. 1846 of 2021 (O&M)
DATE OF DECISION :- September 08, 2021**

Jasvir Singh @ Jaivir Singh and another

...Petitioners

Versus

M/s Shalimar Town Planners Pvt. Ltd.

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. D.S. Matya, Advocate for the petitioners.

The case has been taken up through Video Conferencing.

Plaintiff M/s Shalimar Town Planners Pvt. Ltd, New Delhi had brought a civil suit against defendants Jasvir Singh @ Jaivir Singh and his mother Smt. Amri seeking possession by way of specific performance of contract dated 4.12.2007. After contest, the said suit was decreed by the trial Court of Civil Judge (Sr. Division), Faridabad vide judgment and decree dated 3.9.2016 and defendants were ordered to execute and get registered the sale deed in favour of plaintiff company on receipt of balance sale consideration amount and to deliver the actual physical possession of suit property within three months.

Feeling aggrieved by the said judgment and decree, the defendants in the suit had preferred an appeal to the Court of District Judge, which is pending before Additional District Judge, Faridabad. The appellants are said to have filed an application for taking additional grounds in memo of appeal under Order 41 Rule 2 CPC. That application stated to be

still pending though the appeal has been listed for final arguments by the learned Additional District Judge, Faridabad. The appellants have approached this Court by way of filing the civil revision under Article 227 of the Constitution of India craving for disposal of their application under Order 41 Rule 2 CPC before the appeal is taken up for final arguments, a perusal of the application goes to show that grounds sought to be taken as additional grounds relate to merits of the case regarding which the appellants can address arguments while impugning the judgment and decree passed by the trial Court. They can also advance arguments with regard to legal objections so taken. The First Appellate Court may examine the desirability of taking up the application while hearing the main arguments and there is no necessity of directing the First Appellate Court to decide that application first and then proceed to hear final arguments.

With such observations, the petition stands disposed of.

(H.S. MADAAN)
JUDGE

September 08, 2021

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Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No