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

(Through video-conferencing)

CWP No.26577 of 2021

Date of Decision: 23.12.2021

ANKUSH @ MAMAN

.....Petitioner

Vs

STATE OF HARYANA AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Salinder Kumar Saini, Advocate
for the petitioner.

RAJ MOHAN SINGH, J.(Oral)

Petitioner has preferred this writ petition under Article 226 of the Constitution of India for the issuance of an appropriate writ in the nature of mandamus directing the lower Appellate Court to decide the pending appeal within a stipulated period preferably within one month.

Learned counsel for the petitioner submits that career of the plaintiff is at stake and the aforesaid pending appeal needs to be decided at the earliest.

The appeal was received by the lower Appellate Court by way of assignment and the same was checked and

registered on 21.09.2018. Thereafter the case was adjourned for the service of respondents. Petitioner is respondent No.1 in the said appeal. Petitioner made his appearance through his counsel on 16.07.2019. The case was adjourned for arguments and LCR was also requisitioned. On 14.10.2019, the appeal was received by the Court of Addl. District Judge, Panipat by transfer, but the record of the trial Court was not received. The case was adjourned for final arguments on 26.11.2019. Thereafter on receiving LCR from the trial Court, the case was adjourned for arguments on number of occasions.

With reference to the number of interlocutory orders passed by the lower Appellate Court, learned counsel further submits that now the appeal is pending for final arguments on 16.02.2022. Learned counsel seeks indulgence of this Court for issuance of necessary directions to the lower Appellate Court to decide the pending appeal on the date fixed or soon thereafter.

In view of interlocutory orders on record and also in view of nature of order which this Court proposes to pass at this stage, there is no necessity of issuing any notice to the respondents as no order prejudicial to the interest of anyone is being passed.

In view of facts and circumstances of the case, the lower Appellate Court would be obligated to take up the pending appeal on the date fixed for final disposal or soon thereafter, if

hearing of the appeal is not feasible on the date fixed.

With the aforesaid directions, this writ petition is disposed of.

December 23, 2021

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No