

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

212

CR No.1485 of 2021
DATE OF DECISION : 11th FEBRUARY, 2022

Gurpal Singh

.... **Petitioner**

Versus

S.B.P. Shine Start Pvt. Ltd., Kharar, SAS Nagar Mohali & another

.... **Respondents**

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. N. K. Verma, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Article 227 of the Constitution of India read with Section 151 CPC for directing the learned court below to expeditiously decide the appeal bearing CMA No.41 of 2020, which was filed against the order dated 15.07.2020 passed by Additional Civil Judge, Kharar vide which application of petitioner under Order 39 Rule 1 & 2 CPC in civil suit filed by the petitioner to declare the registered sale deed null and void, has been wrongly dismissed; along with certain other prayers.

The counsel for the petitioner submits that the said appeal is pending before the appellate court since August, 2020 and is being adjourned time and again without assigning proper reason thereto. The counsel for the petitioner further submits that even as per the Order 20 Rule 1 of CPC the order has to be pronounced within 30 days, once the hearing of the case is concluded except under exceptional circumstances

of the case where the maximum period prescribed for pronouncing the final order is 60 days. In the present case the hearing was concluded long back on 28.01.2021.

Notice of motion was issued on 09.08.2021 and the court below was directed to furnish its comments as to why the appeal is not being decided despite the fact that the arguments have already been concluded on 28.01.2021. In response thereto, the comments of the appellate court have been received, in which it has been stated that because of the restricted working due to COVID-19 situation some counsels were not appearing in the court or even through virtual mode, hence the cases are adjourned due to non-availability of the counsel. As per the *zimini* orders, sent along with the report, the case was lastly adjourned for 14.12.2021.

To await the decision of the appellate court, the present case was adjourned to 21.01.2022. But it has been again adjourned.

Accordingly, the counsel for the petitioner submits that even now the lower appellate court has adjourned the case and the same is pending. The trial court be directed to dispose of the appeal finally as the petitioner is being affected due to pendency of the appeal.

In view of the above, the lower appellate court is directed to dispose of the appeal, in accordance with law, on the date fixed therein.

This petition stands disposed of accordingly.

11th FEBRUARY, 2022
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>