

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

CR-1631-2021 (O&M)

Date of decision: 06.09.2022

Nishan Singh

....Petitioner

Versus

Satish Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pankaj Middha, Advocate for the petitioner
 Mr. Ravi Dutt Sharma, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

Through this revision petition filed under Article 227 of the Constitution of India, the plaintiff prays for setting aside the order dated 12.03.2021, passed by the District Judge, Panipat. The petitioner herein is a plaintiff in a pending suit. An application for temporary injunction filed by the petitioner was allowed by the trial court on 17.05.2016. The defendant filed an appeal while relying upon a demarcation report. The appeal filed by the defendant was allowed and the injunction order granted in favour of the petitioner was modified. Subsequently, it has been found that the aforesaid demarcation report is a fabricated document.

An application filed by the plaintiff (petitioner) for modifying the order passed by the Appellate Court, while deciding the first appeal against the order of injunction, has been dismissed on the ground that such application amounts to review.

Learned counsel representing the defendant points out that the trial of the suit is at the fag end as the plaintiff has already

concluded his evidence and the defendant has examined his witnesses in-chief and the case is now pending for the cross-examination of the defendant's witnesses by the learned counsel representing the plaintiff.

Keeping in view the aforesaid facts, the revision petition is disposed of with the following observations:-

a) Learned counsel representing the plaintiff undertakes to cross-examine the witnesses examined by the defendant within one month, from today.

b) The trial court is requested to dispose of the suit within a period of two months i.e one month from the date on which the defendant's evidence is closed.

c) The trial court will decide the case independently without being influenced by the order passed by the Appellate Court or by the demarcation report, which is alleged to have been fabricated.

d) In the meantime, the parties shall maintain status quo and the defendant shall not be entitled to take the benefit of the order passed by the Appellate Court, which is alleged to have been obtained by mis-representation.

These directions have been passed with the consent of the learned counsel representing the parties.

All the pending miscellaneous applications, if any, are also disposed of.

06.09.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE