

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

Decided on:-30.11.2022

1. CR-2469-2020 (O&M)

The Scheduled Caste Co-operative Land
Owning Society Ltd.Petitioner.

VS.

Jagtar Singh and othersRespondents.

2. CR-38-2021 (O&M)

Jagtar Singh and othersPetitioners.

VS.

The Scheduled Caste Co-operative Land
Owning Society Ltd. and others

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Tahaf Bains, Advocate,
for the petitioners in CR-2469-2020 and
for respondent No.1 in CR-38-2021.

Mr. S.S. Rangi, Advocate with
Mr. H.S. Malhi, Advocate,
for the petitioners in CR-38-2021 and
for respondents No.1 to 6 in CR-2469-2020.

HARKESH MANUJA J. (Oral)

**CM-11974-CII-2022 in/and CR-2469-2020 and
CM-11977-CII-2022 in/and CR-38-2021**

Though vide order dated 29.01.2021, these two civil revision petitions were directed to be heard alongwith RSA-4105-2017, which is stated to be pending for 02.02.2023, however, with the consent of the both the sides through their respective counsels, the present revision petitions are taken up today for final hearing.

2. In both the aforementioned civil revisions, an order dated 01.10.2020 passed by the first Appellate Court has been impugned at the

instance of both the sides.

3. For convenience, facts are taken from Civil Revision No.2469-2020.

4. The petitioner-society filed a suit for possession as well as for mesne profit against respondents herein. The suit was decreed by the trial court vide judgment and decree dated 07.12.2019. The respondents herein filed first appeal before the court of learned District Judge, Ludhiana. Vide interim order dated 01.10.2020, the dispossession of respondents was stayed, subject to deposit of 50% of the principal amount of mesne profit as awarded by the trial court.

5. Aggrieved against the interim order dated 01.10.2020 passed by the first Appellate Court, present revision petition i.e. CR-2469-2020 has been filed at the instance of petitioner-plaintiff, besides the same order having been challenged at the instance of respondents-defendants by way of another CR-38-2021.

6. This Court issued notice of motion in CR-2469-2020 vide order dated 05.11.2020, whereas, notice of motion in CR-38-2021 was issued vide order dated 13.01.2021 and the operation of impugned order dated 01.10.2020, to the extent of 50% of the mesne profit was also stayed.

7. Vide CM-11974-CII-2022 in CR-2469-2020, a prayer has been made at the instance of petitioner-society for issuance of direction to first Appellate Court to dispose of the first appeal filed at the instance of respondents-defendants within a time bound manner as the same is pending adjudication for the past more than three years now.

8. Notice of CM-11974-CII-2022 was issued to the non-applicant-respondents vide order dated 27.10.2022.

9. Today, Sh.S.S. Rangi, Advocate with Sh. H.S. Malhi, Advocate

has put in appearance on behalf of non-applicants-respondents and submits that respondents herein are not opposing the innocuous prayer made at the instance of petitioner-Society, subject to the fact that the interim order dated 13.01.2021 passed by this Court in CR-38-2021, is made absolute till the final decision of the first appeal.

10. In view of the prayer made in the application bearing CM-11974-CII-2022, which is not opposed at the instance of non-applicant-respondents, I deem it appropriate to request the first Appellate Court, so as to decide the Civil Appeal No.31-2020 titled as “Jagtar Singh and others vs. The Scheduled Caste Co-operative Land owning Society Ltd. and others” within a period of three months from the date of receipt of certified copy of this order.

11. In the meanwhile, interim order dated 13.01.2021 passed by this Court in CR-38-2021, shall remain operative. It is, however, made clear that any observation made in the interim order dated 13.01.2021 shall not be construed as an expression of opinion on the final adjudication of the rights of the parties.

12. Accordingly, both the applications bearing CM-11974-CII-2022 in CR-2469-2020 and CM-11977-CII-2022 in CR-38-2021 as well as both the revision petitions stand disposed of.

13. Pending application(s), if any, shall also stand disposed of.

30.11.2022
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No