

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

127

**CR No.3949 of 2022
Date of decision : 16.9.2022**

Nirmal Singh and others

.....Petitioners

Vs.

Naseeb Kaur (deceased) through LRs and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Piyush Gupta, Advocate, for the petitioners

Mr. Shehbaz Thind, Advocate, for the caveators

TRIBHUVAN DAHIYA, J. (Oral)

This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 26.8.2022 passed by the lower Appellate Court by which petitioners/respondents No.4 to 6 prayer to decide the appeal bearing CA No. 36494 of 2013 titled *Naseeb Kaur and others v. Ujagar Singh and others* (Annexure P-1) along with second appeal (Annexure P-2) titled *Nirmal Singh (Ujagar Singh) and others v. Naseeb Kaur and others*. Both the appeals arise out of one judgment and decree dated 5.7.2013 passed in Civil Suit No. 217 of 8.6.2004. The only ground on which the lower Court has refused to decide the petitioner's appeal along with the appeal filed by the respondents, is that application for condonation of delay is required to be decided in it, therefore, it will be taken up and decided separately.

The reasons assigned by the lower Appellate Court in the order dated 26.8.2022 not to decide the two appeals together, though arising out of one judgment and decree, are erroneous. Mere pendency of application for condonation of delay is no ground not to decide the appeals together. The

application can be decided alongwith the main appeal.

In view of the above, the order dated 26.8.2022 is set aside. The revision petition is allowed. The lower Appellate Court is directed to take up and decide both the appeals arising out of Civil Suit No. 217 of 8.6.2004 together.

(TRIBHUVAN DAHIYA)
JUDGE

16.9.2022
Ashwani

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No
