

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

Sr. No.129

**CR-5254-2022 (O&M)
Date of Decision: 30.11.2022**

M/S GOLDEN INFRASTRUCTURE PRIVATE LIMITED AND ANOTHER

....Petitioners

Versus

BHUPINDER SINGH AND OTHERS

..... Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present: Mr. Dheeraj Mahajan, Advocate for the petitioners.

ARCHANA PURI, J

CM-16540-CII-2022

Present application has been filed for placing on record the documents, Annexure P-8 to P-15, which are the zimini orders passed by the Court below, during the pendency of the suit.

In view of the averments made in the application, same is allowed and the aforesaid annexures are taken on record.

Main case

Challenge in the present revision petition is to the order dated 21.02.2022 passed by the Court below, whereby at the inception stage of the Civil Miscellaneous Appeal filed to challenge the order dated 17.12.2021 passed by learned Lower Court on the application filed under Order 39 Rule 1 and 2 read with Section 151 CPC, notice had been issued.

However, perusal of the impugned order reveals that along with the appeal, an application under Section 5 of the Limitation Act, had been filed and precisely on this account, notice of the appeal as well as the application, had been issued.

It is submitted by learned counsel for the petitioners that the delay was on account of Covid-19 and the period of limitation had been extended by Hon'ble Supreme Court. Therefore, only as a matter of extra caution, an application for condonation of delay was filed.

However, while making mention to Annexure P-12, which has been placed on record today, it is submitted that delay in filing the appeal had been condoned, but however, this appeal is now fixed for 16.12.2022. It is further submitted that appeal, as such, firstly was dealt by learned Lower Appellate Court on 21.02.2022 and since then, it is being adjourned, for one reason or the other. Learned counsel has made reference to various zimini orders, placed on record.

Learned counsel submits that he has no objection, if the appeal is heard expeditiously and disposed of on merits.

Considering the time, since when the appeal is pending, it is expected and desired of learned Lower Appellate Court to hear the arguments on the Civil Miscellaneous Appeal on the date fixed i.e. 16.12.2022, or soon after and dispose of the same, expeditiously.

Accordingly, the instant Civil Revision stands disposed of.

30.11.2022

Himanshu

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No