

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

CR-7995-2019 (O&M)

Date of decision : 31.05.2022

Gunjan Bolton

... Petitioner(s)

Versus

RN Singh Tomar

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Onkar Rai, Advocate for the petitioner.

Mr. Vikas Bali, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Learned counsel for the parties are *ad idem* that the impugned order dated 07.11.2019 (Annexure P-5) passed by the lower Appellate Court be set aside and the lower Appellate Court be directed to decide the application filed under Order 41 Rule 27 of the Code of Civil Procedure, 1908 (CPC) along with the main appeal expeditiously in view of the law laid down by Hon'ble the Supreme Court in the case of **State of Rajasthan Vs. T. Sahani [2001(10) SCC 619]**.

In view of the statement made by learned counsel for the parties, the impugned order dated 07.11.2019 (Annexure P-5) passed by the lower Appellate Court is set aside. The application filed under Order 41 Rule 27 CPC shall be decided along with the main appeal in accordance with law.

Keeping in view the fact that the appeal is pending since 2018, the lower Appellate Court is requested to decide the appeal expeditiously and in any case within a period of 3 months from the date of passing of this order.

The parties shall appear before the lower Appellate Court concerned on the date already fixed i.e. 06.07.2022.

Disposed off accordingly. Pending applications, if any, also stand disposed off.

31.05.2022
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO