

2023:PHHC:108415

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

CR-540-2018 (O&M)

Date of decision: 21.08.2023

Subhash Jain (deceased) through LRs and others

..Petitioners

Versus

Smt. Laxmi Devi and another

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Ishan Gupta, Advocate for the petitioners
and Mr. Praney Jain, petitioner 1(ii) in person

Mr. Amit Jain, Advocate for respondent no.1

Mr. S.K.Tripathi, Advocate for respondent no.2

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed against the concurrent orders passed by the courts below while dismissing the application under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908. On 17.02.2018, the following order was passed by this Court:-

“Learned counsel for the petitioners contends that respondent-defendant No.1 is claiming title over the dispute property on the basis of sale deed dated 24.09.2015 allegedly executed by respondent-defendant No.2 Jain Parkash Jain though he had no right to execute any sale deed in his favour as respondent-defendant No.2 had already sold his entire share prior to the sale deed in favour of respondent-defendant No.1. Both the Courts below have failed to appreciate that in the garb of aforesaid

illegal sale deed, respondent-defendant No.1 was encroaching upon the suit land.

Notice of motion for 25.09.2018.

In the meanwhile, the parties are directed to maintain status quo.”

2. During all this while, the interim order dated 17.02.2018 has continued to operate.

3. Learned counsel representing the parties are ad idem that the main suit is coming up for final disposal on 29.08.2023. Learned counsel representing the petitioners state that though an application for permission to lead an additional evidence has been filed, however, the same will be withdrawn and the petitioners will not seek any adjournment in the suit.

4. Keeping in view the aforesaid facts, the revision petition is disposed of while requesting the trial court to decide the suit on 29.08.2023 or within a period of 15 days, thereafter. Till then, the interim order shall continue to operate.

5. Disposed of.

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

21.08.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE