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

CR-1096-2023 (O&M)

Date of Decision: 17.02.2023

Hari Krishan

....Petitioner

Versus

Bikramjit Lal Puri (Since Deceased) Through LR's and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. K. R. Dhawan, Advocate
for the petitioner.

Mr. Aditya Jain, Advocate and
Mr. Rahul Vohra, Advocate for respondent No.5.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for seeking direction to Lower Appellate Court to decide the appeal in a time bound manner i.e., Civil Appeal No.211 of 2015 titled *Chander Kanta and others vs. Bikramjit Lal Puri (Since Deceased) Through LR's and others*, pending in the Court of Sh. Narender, learned Additional District Judge, Chandigarh for 27.02.2023.

2. Succinct facts first, as pleaded in the revision petition.

2.1. Sh. Bikramjeet Lal Puri was the owner of House No.1291, Sector 37-B, Chandigarh. Petitioner purchased the said house from Bikramjeet Lal Puri vide registered sale deed dated 23.05.2003. At the time of sale deed, possession of the entire first floor was given to petitioner but Chander Kanta Puri wife of Sh. Bikramjeet Lal Puri and Sapna Puri daughter of Bikramjeet

Lal Puri were in possession of the ground floor and respondent Anil Puri i.e., son of Bikramjeet Lal Puri was in possession of the top floor being licensees.

2.2. In the year 2004, respondents filed suit for declaration to the effect that the sale deed dated 23.05.2003 executed by defendant No.1 before the Sub Registrar Chandigarh in favour of defendant No.2 in respect of House No.1291 Sector 37-B, Chandigarh is void, illegal, and without jurisdiction and the same is liable to be set aside and further suit for mandatory injunction and permanent injunction directing defendant No.2 to hand over the vacant possession of the first floor. The suit filed by respondents was dismissed vide judgment and decree dated 26.02.2015. Since the suit was decided against respondents, therefore respondents filed appeal in the Ld. court of District Judge Chandigarh, i.e., Civil appeal No.211 of 2015. The appeal filed by respondent was taken up by learned Lower Appellate Court together along with other four appeals pending between the parties as the subject matter of all the appeals was the same property. The present appeal along with four appeals were decided by a single judgment dated 30.08.2017 (Annexure P-2) by Court of Sh. Jasbir Singh Sidhu, learned Addl. District Judge, Chandigarh.

2.3. Aggrieved by the judgment Annexure P-2, in the present appeal and four other appeals, Regular Second Appeal No.4635 of 2017 was filed before this Court. As respondents also filed three more Regular Second Appeals i.e. RSA No.4634 of 2017, RSA No.4636 of 2017 and RSA No.4633 of 2017 before this Court and vide order dated 02.02.2018 (Annexure P-3) all the four appeals were remanded back and judgment dated 30.08.2017

(Annexure P-2) was set aside on the ground that learned first appellate court had discussed the issues of only one suit, whereas in all the four suits separate issues were framed. The parties were directed to appear before learned Lower Appellate Court on 07.03.2018. Thereafter, from the last about five years, the above mentioned appeal came up for hearing before Ld. Addl. District Judges but the appeal has not yet been decided. It is important to mention here that out of all the five suits qua the house in question, four were filed in the year 2003 and one suit was filed in the year 2004. Therefore, the instant revision for seeking direction to learned Lower Appellate Court to decide the aforementioned appeal in a time bound manner.

3. Given the nature of order being passed, there is no necessity to issue notice to respondents as no prejudice would be caused to them. Notice to respondents is thus dispensed with.

4. Having heard learned counsel for petitioner, it transpires that a Coordinate Bench of this Court vide order dated 07.02.2023, passed in CR No.842 of 2023, titled *Hari Krishan Kakkar vs. Chander Kanta and another*, has already issued a direction that Civil Appeal No.134 of 2014 be decided within a period of 8 months from the date of receipt of certified copy of the order.

5. Being so, the instant revision is disposed of with the expectation that learned First Appellate Court shall decide Civil Appeal No.211 of 2015 expeditiously, which is stated to be connected with Civil Appeal No.134 of 2014 and shall also be decided along with the same.

6. Disposed of accordingly.

7. Pending civil miscellaneous application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

February 17, 2023
ashish

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No