

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

124

CR-3611-2023

Date of Decision: 06.06.2023

M/s Star Poly Packs and Others

...Petitioners

Versus

M/s Hero Fincorp Ltd. and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Aalok Jagga, Advocate for the petitioners

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners, through instant revision petition under Article 227 of the Constitution of India, are seeking direction to learned District Court, Patiala to consider and decide appeal bearing No.AO-46/2021 titled as *Star Poly Pack and Ors. Versus Hero Fincorp and Others* filed against order dated 25.02.2021 (Annexure P-22) whereby Civil Judge, Junior Division, Rajpura has dismissed application of the petitioners under Order 39 Rules 1 and 2 of Code of Civil Procedure, 1908 (for short 'CPC').

2. Mr. Aalok Jagga, learned counsel for the petitioners *inter alia* contends that petitioners in the Civil Suit bearing No.CS-596/2020 titled as *Star Poly Pack and Others Versus Hero Fincorp and Others* moved an application under Order 39 Rules 1 and 2 of CPC seeking grant of stay, however, the said application came to be dismissed. The petitioners preferred an appeal before the Appellate Court which is

pending since 2021. The petitioners, except two occasions, have never sought an adjournment, however, respondents are seeking repeated adjournments and the matter is still pending before the Appellate court against the interim order.

3. This Court is not oblivious of the fact that District Courts are overburdened and it would not be apt to direct the District Judge to give priority to a particular case in a particular manner, however, considering the fact that petitioners have preferred an appeal against order dated 25.02.2021 whereby application under Order 39 Rules 1 and 2 of CPC was dismissed and suit is still pending before the Civil Court, the District Judge is requested to look into request of the petitioners and expedite disposal of the matter.

Disposed of in the aforesaid terms.

(JAGMOHAN BANSAL)
JUDGE

06.06.2023

Mohit Kumar

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*