

136

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

CR-4981-2023 (O&M)

Date of Decision:- 06.10.2023

GURJIT KAUR AND ORS.

....Petitioner

Vs.

NARINDER SINGH AND ORS

...Respondents

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Charanpal Singh Bagri, Advocate for the petitioner.

AMARJOT BHATTI, J. (Oral)

1. The petitioners – Gurjit Kaur and others have filed civil revision petition under Article 227 of the Constitution of India read with Section 151 CPC for directing the learned First Appellate Court to decide the application under Order 41 Rule 5 of CPC filed in Civil Appeal No.128-2020 titled as Swaran Singh and others Vs. Narinder Singh and others and further restraining the respondents from alienating the property in dispute during the pendency of this petition.

2. Along with the present petition, he has placed on record the grounds of Civil Appeal No.128-2020, Annexure P-1, copy of the application under Order 41 Rule 5 CPC, Annexure P-2, which is still pending. He has also placed on record the zimni orders passed by the learned Additional District Judge, Kapurthala from time to time which are Annexure P-3 to P-28. It is prayed that the operation of the impugned judgment and decree dated 09.03.2020 may kindly be stayed and his

application already filed under Order 41 Rule 5 read with Section 151 CPC be also disposed of by the First Appellate Court.

3. I have considered the arguments and have gone through the record. The aforesaid civil appeal was filed in 2020. The records show that there were as many as 57 contesting respondents and the other respondent Nos.58 to 63 were perfunctory respondents. Much time was consumed to procure the service of respondents. It is further matter of record that the application under Order 41 Rule 5 CPC is also pending for adjudication. Considering the nature of application, it is required to be disposed of on merits expeditiously. Therefore, the learned First Appellate Court is directed to decide the aforesaid application expeditiously preferably within a period of one month from the date of this order.

4. The Civil Revision is disposed of accordingly.

06.10.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No