

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110)

CM-3364-C-2023 in/and
RSA-1737-2022 (O&M)
Date of Decision : 12.04.2023

Sandeep Kumar

...Appellant

Versus

Simranjeet Singh and others

...Respondents

(110-A)

CM-3348-C-2023 in/and
RSA-1702-2022 (O&M)
Date of Decision : 12.04.2023

Sandeep Kumar

...Appellant

Versus

Simranjeet Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Gurmail Singh Duhan, Advocate for the appellant.

Harsimran Singh Sethi J. (Oral)

CM-3364-C-2023 in RSA-1737-2022 and
CM-3348-C-2023 in RSA-1702-2022

Present applications have been filed for recalling the order dated 15.03.2023, by which, the present regular second appeals were dismissed for non-prosecution.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the same are allowed. The order dated

15.03.2023 is recalled and the regular second appeals along with miscellaneous applications are restored to their original number and status.

CM-5703-C-2022 in RSA-1737-2022 and
CM-5575-C-2022 in RSA-1702-2022

Present applications have been filed seeking condonation of delay of 11 days in filing the appeals.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the same are allowed and delay of 11 days in filing the appeals is condoned.

CM-5702-C-2022 in RSA-1737-2022 and
CM-5574-C-2022 in RSA-1702-2022

Present applications have been filed seeking condonation of delay of 410 days in re-filing the appeals.

Keeping in view the averments made in the applications, which are duly supported by an affidavit, the same are allowed and delay of 410 days in re-filing the appeals is condoned.

CM-5704-C-2022 in/and RSA-1737-2022 and
CM-5576-C-2022 in/and RSA-1702-2022

The aforementioned two appeals filed by the appellant-Sandeep, which arise out of the same incident, are being decided by this common order.

After arguing for some time, learned counsel for the appellant prays that as only the partition has been allowed in favour of the decree holder on the basis of the shares of the owners, which they have in the

property concerned, hence, present appeal be treated as having been not pressed any further but liberty be given to the judgment debtor to raise the objection before the Executing Court in case, the decree holder claims more share than the admissible keeping in view the share of Deepika in the total property from whom the property was purchased by the decree holder.

Ordered accordingly.

April 12, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No