

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

**Civil Revision No. 7587 of 2023(O&M)
Date of Decision: 15.12.2023**

Gunar Bahl & Ors.

...Petitioners

Versus

Yogesh Bahl & Ors.

...Respondents

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

**Present:- Mr. S.D. Bansal, Advocate with
Mr. Jeevan Gautam, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The present revision petition has been filed by the petitioners under Article 227 of the Constitution of India against the order dated 10.11.2023 (Annexure P-6) passed by the Court of Additional District Judge, Chandigarh whereby an application filed by the petitioners/ appellants seeking pre-ponment of civil miscellaneous appeal titled Gunar Bahl & Anr. Vs. Yogesh Bahl & Ors., which is fixed for 05.02.2024, has been declined with the observations that the Court is having heavy pendency of cases and is also to deal with time bound and action plan cases.

2. The counsel for the petitioners submits that aforesaid civil miscellaneous appeal was filed by the petitioners against the order dated 12.10.2023 whereby the application filed by the petitioners under Order 39 Rules 1 and 2 CPC in Civil Suit CJ-313 of 2022 titled Gunar Bahl Vs. Yogesh Bahl & Ors. was dismissed. The counsel for the petitioners further submits that other party is in hurry to alienate the suit property at the earliest and one of the respondents has applied to the Estate Office, UT Chandigarh

to get 'No Objection Certificate' in this regard as is evident from Annexure P-7. So, prayer is made that the Appellate Court concerned be given direction to pre-pone the civil miscellaneous appeal at the earliest and to pass appropriate orders after hearing the petitioners, otherwise the petitioners are going to suffer irreparable loss.

3. I have considered the submissions made by counsel for the petitioners.

4. In view of the above, without commenting on the merits of the case, the present petition is hereby disposed of and the impugned order is set aside with direction to the Court concerned to reconsider the application filed by the petitioners seeking pre-ponment of civil miscellaneous appeal and in case the petitioners are able to show any reasonable urgency, then to pass afresh order accordingly in the pre-ponment application. The petitioners are directed to appear before the Court of Additional District Judge concerned on 19.12.2023 for that purpose.

5. Keeping in view the nature of order being passed, no notice is required to be issued to the respondents. However, if they feel dis-satisfied with this order, they may move an application to recall the same.

15.12.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No