

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CR-8666-2015

Date of Decision: 24.01.2024

NITAN ARORA

... Petitioner

VERSUS

SANTOKH SINGH AND OTHERS

....Respondents

CORAM: HON'BLE MRS. JUSTICE RITU TAGORE

Present: Petitioner-Nitan Arora in person.

RITU TAGORE, J.(Oral)

1. The petitioner appears in person.
2. This revision petition has been filed against the order dated 30.09.2015 passed by learned Civil Judge (Senior Division), Amritsar in the application filed under Order 1 Rule 10 read with Section 151 CPC.
3. Petitioner places on record the copy of order dated 07.07.2023 passed by co-ordinate Bench, whereby he has been given the liberty to raise the pleas as taken in the said revision before the Appellate Court where his appeal is pending. The order dated 07.07.2023 reads as under:-

“The petitioner appears in person.

He has admitted that the civil suit pending before the trial Court has been finally decided on 30.09.2020. Both the parties have filed appeal, which is pending before the First Appellate Court for 03.08.2023.

This Revision Petition under Article 227 of the Constitution

of India has been filed to set aside various interlocutory orders passed by the Court during the pendency of the suit.

Order XLIII Rule 1A of the Code of Civil Procedure, 1908, permit the parties to challenge the correctness of the interlocutory orders passed by the Court from time to time along with the appeal in the main case. Since, the petitioner has already filed an appeal against main case, therefore, it is considered more appropriate to relegate the petitioner to the remedy to challenge these orders before the First Appellate Court. For this purpose, the petitioner shall be permitted to amend the grounds of appeal to incorporate challenge in the order, which are subject matter of challenge in the case.

With these observations, the revision petition is disposed of. All the pending miscellaneous applications, if any, are also disposed of.”

4. The petitioner submits that in view of the aforesaid order, the present revision be also disposed of by giving him the same liberty to take up all the issues before the learned Appellate Court.
5. In view of the submissions made above, this Revision petition is also disposed of in terms of order dated 07.07.2023 passed in CR-41-2017 titled 'Nitan Arora Vs. Santokh Singh (deceased) through LRs and others', relegating the petitioner to the remedy to challenge the order, impugned here in this revision before the first Appellate Court. For this purpose, the petitioner shall be permitted to amend the grounds of appeal to incorporate the grounds taken in the present petition.
6. Pending applications, if any, also stand disposed of accordingly.

24.01.2024

Rimpal

(RITU TAGORE)

JUDGE

Whether speaking/reasoned

:

Yes/No

Whether reportable

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Yes/No