



CR-9067-2017(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-9067-2017(O&M)

Date of decision : 13.12.2024

Kishan Lal @ Krishan Pal

... Petitioner

Versus

Ganesh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Rakesh Dhiman, Advocate for the petitioner.

Mr.Sachin Mittal, Advocate
for respondents no.1 to 4 & 6 to 11 and
Mr.Vipin Pal Yadav, Advocate and
Mr.Sahil Matharoo, Advocate for the respondent no.3, 8 & 11.

VIKAS BAHL, J.(ORAL)

CM-21926-CII-2024

1. This is an application under Section 151 CPC for preponing the date of hearing in the main case from 12.05.2025 to some early date.

2. On joint request of learned counsel for the petitioner as well as learned counsel appearing for the respondents, the application is allowed and the main case is preponed from 12.05.2025 to today itself for hearing.

CM-21927-CII-2024 & MAIN CASE

1. Challenge in the present revision petition filed under Article 227 of the Constitution of India is to the order dated 02.08.2017 passed by the Ist Appellate Court in Civil Misc. Appeal no.10 of 10.03.2016 in case titled as “Ganesh & Ors. vs. Krishan Lal @ Krishan Pal & Another”, vide which the appeal filed by the defendants-respondents has been allowed.



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2. CM-21927-CII-2024 has been filed by the petitioner seeking directions to the trial Court to decide the civil suit on merits.
3. Learned counsel for the petitioner has submitted that the main suit itself is now listed for final arguments for 18.01.2025 and in the said circumstance has made two limited prayers. The first prayer made by the petitioner is that the suit be decided as expeditiously as possible and the second prayer is that the said suit be decided independently dehors the observations made in the order dated 02.08.2017.
3. Learned counsel for the respondents has submitted that he has no objection to the said course of action.
4. It is a matter of settled law that observations made in the order deciding an application under Order 39 Rules 1 and 2 CPC are only for the purpose of deciding the said application and have no bearing on the main case and the main case is to be decided independently on the basis of pleadings and evidence led before the trial Court by both the parties and on the basis of arguments raised by both the parties.
5. Keeping in view the abovesaid facts and circumstances, moreso the fact that the present suit is of the year 2015, the trial Court is requested to decide the suit as expeditiously as possible. Learned counsel for the plaintiffs and learned counsel for the defendants would fully assist the trial Court in expeditious disposal of the suit.

(VIKAS BAHL)
JUDGE

December 13, 2024.
Davinder Kumar