

119 (2 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

1.

CR No.1478 of 2024 (O&M)  
Date of decision: 06.11.2024
- Murti and others

...Petitioners
- Versus
- Mahendro and others

...Respondents
2.

CR No.1483 of 2024 (O&M)
- Daya Parkash and others

...Petitioners
- Versus
- Mahendro and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE VIKAS BAHL**

Present: Mr. Ashwani Gaur, Advocate and  
Ms. Shivangi Sharma, Advocate,  
for the petitioners.

Mr. Ashish Aggarwal, Senior Advocate with  
Ms. Aashna Aggarwal, Advocate,  
for respondents No.1 to 5 and 7.

Mr. Ajay Chaudhary, Advocate  
for respondents No.6 and 8.

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**VIKAS BAHL, J. (ORAL)**

1.

By this common order the aforementioned two revision petitions i.e. CR-1478-2024 and CR-1483-2024 shall stand disposed of.
2.

Challenge in both the revision petitions is to the order dated 08.01.2024 vide which the objections filed by Ram Dulari, Rishi Kant and Mamta have been accepted after framing the issues and leading detailed evidence and it has further been observed that fraud vitiates everything and

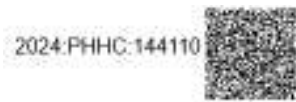


accordingly, judgment(s) and decree(s) dated 28.10.2015/03.12.2015 have been set aside.

3. Learned Senior Counsel for respondent Nos.1 to 5 and 7 as well as learned counsel appearing on behalf of respondent Nos.6 and 8 have raised preliminary objection to the effect that the impugned order is appealable inasmuch as in effect the respondents were third parties and their objections have been accepted after framing issues and after granting liberty to all the parties to lead evidence. It is further submitted that earlier objections filed by the objector were dismissed and civil appeal was filed against the said order and the matter was remanded by the First Appellate Court vide order dated 21.05.2019 and it is in pursuance of the remand order that impugned order had been passed.

4. Learned counsel for the petitioners has submitted that in view of objections raised by learned Senior Counsel for respondent Nos.1 to 5 and 7 as well as learned counsel appearing on behalf of respondent Nos.6 and 8, he seeks permission of this Court to withdraw both the revision petitions with liberty to the petitioners to file an appeal. It is however submitted that an interim order was passed in favour of the petitioners on 08.04.2024 to the effect that operation of the impugned order qua restoration of the possession under Section 144 CPC be kept in abeyance. It is thus submitted, that the petitioners would file an appeal within a period of one month from today and the First Appellate Court be directed to decide the appeal on merits. It is further prayed that for a period of one month, the said interim order be continued.

5. Learned Senior Counsel for respondent Nos.1 to 5 and 7 as well



as learned counsel appearing on behalf of respondent Nos.6 and 8 have submitted that they have no objection to the said course of action but have submitted that the grant of interim relief for a period of one month should not be construed as an expression on the merits of the case and the First Appellate Court should decide the case independently and in accordance with law.

6. Keeping in view the abovesaid facts and circumstances, both the revision petitions are dismissed as withdrawn with liberty to the petitioners to file an appeal before the First Appellate Court against the order dated 08.01.2024. In case, the said appeal is filed within a period of one month from today, then the First Appellate Court is directed to decide the same on merits. Interim order dated 08.04.2024 to the effect “operation of the impugned order qua restoration of the possession under Section 144 CPC be kept in abeyance” would continue for the said period of one month. The grant of said interim relief for a period of one month should not be construed as an expression on the merits of the case. The First Appellate Court would decide the appeal independently in accordance with law after taking into consideration all the arguments raised by all the parties concerned.

7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

06.11.2024  
Pawan/sandeep

(VIKAS BAHL)  
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No