

Mukhtar Singh and others

...Petitioners

Versus

Puran Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Vinod K. Kaushal, Advocate
for the petitioners.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 09.02.2024 (Annexure P-1) passed by the Ld. Civil Judge (Sr. Division), Ajnala whereby an application filed by the petitioners for recalling the warrant of possession, has been dismissed.
2. After arguing for some time, learned counsel for the petitioners submits that he would be satisfied if his application filed under Order 41 Rule 5 of CPC (Annexure P-4) pending before the learned Appellate Court is decided in a time bound manner.
3. I have heard the submissions made by the learned counsel for the petitioners and perused the file.
4. The appeal was filed on 10.10.2023 (Annexure P-3) and the same was admitted subject to just exceptions and notice of the appeal was issued but order dated 11.10.2023 (Annexure P-5) is silent about passing of any order on the application (Annexure P-4) filed under Order 41 Rule 5 of CPC along with the appeal. It is the duty of the Court to consider the application in right prospective. So, the learned Appellate Court is directed to take up the matter

considering the application filed by the petitioners under Order 41 Rule 5 of CPC within a period of 3 days from today and thereafter dispose of the same expeditiously in accordance with law.

- 5. Copy of this order be given *Dasti* by the Bench Secretary of this Court.
- 6. Petition stands disposed of.

04.03.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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