



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

135**CR-1754-2024 (O&M)****Date of Decision : 17.07.2024**

INDU PRATIMA & ANR.

.... Petitioners

1VERSUS

SATISH KUMAR & ORS.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. H.P.S. Rahi, Advocate for the petitioners.

ALKA SARIN, J. (ORAL)

1. Challenge in the present petition is to the order dated 08.12.2023 passed by the learned District Judge, Pathankot whereby an appeal, arising out of the order dated 17.01.2022 passed by the learned Additional Civil Judge (Senior Division), Pathankot dismissing the application under Order 39 Rule I and II CPC filed by the plaintiff-respondents No.1 and 2, has been disposed off.

2. The Appellate Court while disposing off the appeal held as under :

'17. All the aforesaid documents are to be appreciated in the Court of law, but at this stage there is prima facie case made out in favour of applicants that there are in possession. It cannot be said at this stage that whether the sale deeds were executed with fraud or not. Without commenting upon the merits of the case, the appeal is allowed and the appellants are directed to conclude their

evidence before the Trial Court within the period of six months. Till then the respondents are restrained from interfering in possession of appellants. In case the plaintiffs evidence is not concluded within said period of six months then the injunction order shall be deemed to be vacated.

18. Hence, this Court is of the opinion that the order under appeal does requires interference of this Court and the appeal filed by the appellants is having merits and accordingly the same is disposed off with the directions aforesaid. The parties are directed to appear before the Tria Court on 19.12.2023. Appeal file be complied, arranged, indexed and consigned to the Record Room. Lower Court file along with copy of judgment be sent to the Trial Court concerned well before the date fixed complete in all respects.'

3. On a query put by the Court as to whether the plaintiffs had concluded their evidence within the stipulated period of six months, the learned counsel for the petitioners has informed the Court that the plaintiffs have still not concluded their evidence. In view of the same, the directions as given by the Appellate Court would come into force i.e. in case the plaintiffs' evidence is not concluded within a period of six months, the injunction order shall be deemed to be vacated.

4. In view thereof, no further orders are required to be passed. Revision petition stands disposed off accordingly. Pending applications, if any, also stand disposed off.

17.07.2024

Aman Jain

(ALKA SARIN)

JUDGE

*NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No*