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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2964-2017

Date of Decision: March 11, 2024

Avtar Singh and another

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr.Sunny Singla, Advocate
for the petitioners.

Mr.Navneet Singh, Sr.DAG, Punjab.

Mr.Arun Jindal, Advocate
for respondents No.4, 13 to 16.

Mr.Rohit Sapehiya, Advocate for
Mr.Rai Singh Chauhan, Advocate
for respondents No.4, 11, 13 and LRs of respondent No.6.

Mr.R.S.Dhaliwal, Advocate for
respondent No.17.

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RAJESH BHARDWAJ, J.(ORAL)

Prayer in the present petition is for quashing of impugned order dated 22.06.2016, passed by respondent No.2, Annexure P-5, order dated 18.01.2016, passed by respondent No.3, Annexure P-4, vide which mode of partition has been wrongly sanctioned by respondent No.3 in violation to the order dated 03.12.2012, Annexure P-3, passed by this Hon'ble Court in CWP-14417-2008.

Counsel for the petitioners has fairly submitted that alternative remedy of filing an appeal lies against the impugned order, thus, the petitioners be allowed to withdraw this petition with liberty to avail their

remedy of filing an appeal. However, he submits that there is an interim stay in this petition and in the appeal, issue of limitation would be raised.

In view of the prayer made by counsel for the petitioners, the present petition is dismissed as withdrawn with liberty to the petitioners to avail the remedy of appeal. However, regarding the limitation period, the appellate authority is directed to take into consideration the period spent by the petitioner in pursuing the present petition. It is also directed that the appellate authority would decide the appeal on merits expeditiously preferably within three months from the date of receipt of copy of this order after hearing both the sides. However, status quo would be maintained till the decision of the appeal.

March 11, 2024

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- 1. Whether speaking/reasoned ?
- 2. Whether reportable ?

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No