



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

124

CR-5005-2024

Date of Decision: 02.09.2024

Satish Kumar Jain

...Petitioner

Versus

Baljeet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present:- Mr. Kawalpreet Singh Virk, Advocate,
for the petitioner.

VIKAS SURI, J. (ORAL)

1. The plaintiff-petitioner, through this revision petition under Article 227 of the Constitution of India, seeks a direction to the Appellate Court below to expeditiously dispose of his first appeal in a time bound manner.

2. The aforesaid prayer has been made in the backdrop that the plaintiff-petitioner filed a suit on 01.05.2014 for recovery of Rs.1,03,08,534/- along with interest. The said suit was decreed by the trial Court vide judgment and decree dated 26.02.2018 for recovery of an amount of Rs.71,61,070/- along with interest @ 9% per annum from the respective dates of advancement of loan till the decision of the suit and future interest @ 6% per annum from the date of decision till its actual realization.

2.2 Aggrieved by the said judgment and decree, the defendant-



respondent preferred an appeal before the first Appellate Court on 28.03.2018. After temporary disruption of proceedings on account of global COVID-19 pandemic, the physical hearings were barred and had re-commenced in March, 2021 and vide order dated 18.05.2020, the appeal was deferred to 20.09.2021 for arguments. Since then, the proceedings are being adjourned in a routine manner. Even the order dated 09.07.2018 passed by the learned Appellate Court directing the defendant to pay 50% of the decretal amount to plaintiff-petitioner has not been complied with. The petitioner is a senior citizen and is unnecessarily suffering at the hands of defendant. It is, thus, prayed that the appeal instituted in the year 2018 be ordered to be heard and disposed of expeditiously in a time bound manner. The petitioner has not been able to enjoy the fruits of the decree passed in his favour due to the pendency of the appeal.

3. Heard learned counsel for the petitioner and perused the record.

4. A perusal of the record shows that the suit was instituted on 01.05.2014, which was decreed on 02.02.2018 in favour of the plaintiff-petitioner and the defendant-respondent preferred an appeal thereagainst on 28.03.2018. Even after lapse of more than six years, the said appeal has not been heard and is still pending. The petitioner being pleaded to be a senior citizen, certainly needs a preference.

5. In the peculiar circumstances, taking entirety of the matter into consideration, to secure ends of justice, a direction is issued to the learned Appellate Court below to expeditiously dispose of the appeal, in accordance with law, preferably within a period of six months from the date already fixed before it.



6. Resultantly, the revision petition is disposed of with above observations.

September 02, 2024
harish

(**VIKAS SURI**)
JUDGE

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