



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

120

CR-4982-2024

Date of Decision: 02.09.2024

M/s Jain Sales Corporation

...Petitioner

Versus

Hari Chand

...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 petition under Article 227 of the Constitution of India, seeks a direction to the Appellate Court below to expeditiously dispose of the 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 16.07.2014 for recovery of Rs.17,97,975/- along with interest. The said suit was decreed by the trial Court vide judgment and decree dated 06.02.2018 for an amount of Rs.15,65,100/- along with interest @ 9% per annum till the decision of the suit and @ 6% per annum thereafter till realization.
- 2.2 Aggrieved by the said judgment and decree, the defendant-respondent preferred an appeal before the first Appellate Court on 12.03.2018. The respondent did not even affix the *ad valorem* Court fee on the memorandum of appeal, which was made good on 16.04.2018. After temporary disruption of proceedings on account of global COVID-19



pandemic, the physical hearings had re-commenced in March, 2021 and vide order dated 02.03.2021, the appeal was deferred to 02.09.2021 for arguments. Since then, the proceedings are being adjourned in a routine manner. 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 16.07.2014, which was decreed on 06.02.2018 in favour of the plaintiff-petitioner and the defendant-respondent preferred an appeal thereagainst on 12.03.2018. Even after lapse of more than six years, the said appeal has not been heard and is still pending.
- 5. In the peculiar circumstances, taking entirety of the matter into consideration, to secure ends of justice, the instant petition is disposed of with a direction 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. The revision petition is disposed of with above observations.

September 02, 2024
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(VIKAS SURI)
JUDGE

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