



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

Sr. No.145

CR-6323-2024

Date of Decision: 04.11.2024

PATTI L. HARTEL

....Petitioner

Versus

RAJEEV KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Ramandeep Kaur Bhathal, Advocate
for the petitioner.

ARCHANA PURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court, under Article 227 of the Constitution of India, for issuance of direction to the Appellate Court, for deciding the application under Order 41 Rule 5 CPC.

It is submitted by the counsel for the applicant that initially, the applicant had filed an appeal before the Appellate Court, to assail the judgment dated 22.03.2023 passed by the Trial Court, copy whereof is Annexure P-1 and the said appeal was entertained by the Appellate Court on 24.05.2023. At the inception stage, the case was adjourned for 29.05.2023, for consideration. Thereupon, on the next date i.e. 29.05.2023, notice was ordered to be issued to the respondent and the case was fixed further, for 03.07.2023. Furthermore, while making reference to various zimini orders, the counsel submits that the case was adjourned further, from time to time, on account of service, not being complete.

Also, it is submitted that earlier also, the petitioner had filed the



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revision petition i.e. CR-6266-2023, which was dismissed as withdrawn, vide order dated 15.02.2024, copy whereof is Annexure P-10. The same was withdrawn, solely on account of the respondent making appearance and stating about the respondent having made appearance before the Appellate Court. Also, it is submitted that in pursuance of withdrawal of the said revision petition, though the respondent made appearance before the Appellate Court, but the arguments were not addressed. In this regard, the counsel has drawn the attention of this Court, to the zimini orders placed on record as Annexure P-12. In the given circumstances, it is submitted that a direction be given to the Appellate Court, to pass an appropriate order, on the stay application, at first instance.

On query by the Court, it is disclosed by the counsel for the petitioner that the next date fixed before the Appellate Court is 21.11.2024. The case being adjourned, time and again, as evident from the zimini orders placed on record. In the given circumstances, since the respondent is already making appearance before the Appellate Court, through counsel, the Appellate Court is hereby requested to dispose of the stay application, within a period of three weeks, from the next date fixed in the appeal.

In view of the aforesaid terms, the revision petition stands disposed of.

04.11.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No