

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-7438-2023 (O&M)

Date of Decision : 11.01.2024

Tek Chand (Deceased) through LRs.

....Petitioner

VERSUS

Ram Singh

....Respondent

CORAM : HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Gagandeep Rana, Advocate for the petitioner.

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SUDEEPTI SHARMA, J. (Oral)

CM-444-CII-2024

1. This is an application for placing on record the copy of the order dated 01.08.2023 passed by the learned Additional District Judge, Gurugram.
2. Application is allowed subject to all just exceptions and the order dated 01.08.2023 is taken on record.

CR-7438-2023 (O&M)

1. The petitioner in the present revision petition filed under Article 227 of the Constitution of India has challenged the order dated 03.11.2023 (Annexure P-4) passed by the Additional Distirct Judge Gurugram, vide which the application filed by the petitioner under Order 41 Rule 5 read with Order 39 Rules 1 & 2 Code of Civil Procedure, 1908, has been dismissed.
2. Learned counsel for the petitioner contends that since 1955 the ancestors of the petitioner were in possession of the suit property, which is a residential house and, thereafter, they have been put in

possession of the same. Therefore, he prays that during the pendency of the appeal before the Court below, the petitioner may not be thrown out of the suit property i.e the residential house.

3. After perusing the record of the case and without going into the merits of the case and taking into consideration the fact that the property in question is a residential house of the petitioner, the learned Additional District Judge, Gurugram is directed to decide the appeal of the petitioner pending before her expeditiously, preferably within a period of six months from today.

4. In view of the above, the present petition is disposed of. Pending applications, if any, also stand disposed off.

January 11, 2024
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(SUDEEPTI SHARMA)
JUDGE

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