



CR-6833-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6833-2024

Date of decision : 25.11.2024

Hardeep Singh

... Petitioner

Versus

Bathinda Development Authority & another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ram Kumar Chauhan, Advocate
for the petitioner.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for issuance of directions to the Additional District Judge, Bathinda to decide the application under Order 39 Rule 1 and 2 CPC in Civil Appeal no.172 of 2024 titled as “Hardeep Singh through LR’s vs. Bathinda Development Authority” pending for 11.12.2024 expeditiously within a time frame.

2. Learned counsel for the petitioner has submitted that against the judgment dated 09.09.2024 (Annexure P-1), the petitioner has filed an appeal and in the said appeal vide order dated 23.09.2024, notice was issued by the Ist Appellate Court after observing that there are fairly arguable points in the appeal. It is submitted that the main appeal is listed for 15.01.2025 but on account of the fact that the respondent authorities were seeking possession vide notice dated 18.11.2024, the petitioner has filed an application for pre-poning of the said appeal, in which notice was issued on



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28.10.2024 for 04.11.2024. On 04.11.2024, the matter had been adjourned to 07.11.2024 and on 07.11.2024, the application for preponment had been adjourned to 19.11.2024. It is submitted that vide order dated 19.11.2024, it was recorded that the reply to the application under Order 39 Rule 1 and 2 CPC on behalf of the respondent has been filed and the case is now listed for 11.12.2024 for arguments on the application under Order 39 Rule 1 and 2 CPC as well as main appeal. The trial Court record was also summoned for the said date. It is stated that at this stage, the petitioner would be satisfied in case the Ist Appellate Court is requested to decide the application under Order 39 Rules 1 and 2 CPC, as expeditiously as possible, in case the main appeal itself cannot be decided.

3. Keeping in view the abovesaid facts and circumstances, the present petition is disposed of with a direction to the Ist Appellate Court to decide the application for stay under Order 39 Rule 1 and 2 CPC filed by the petitioner as expeditiously as possible, preferably within a period of 3 weeks from 11.12.22024, in case the main appeal cannot be decided for any reason whatsoever.

4. It is made clear that this Court has not opined on the merits of the application and the Ist Appellate Court would consider the said application for stay filed in Civil Appeal no.172 of 2024 as independently, in accordance with law, after hearing all the parties concerned.

(VIKAS BAHL)
JUDGE

November 25, 2024.
Davinder Kumar