

CR-5306-2023(O&M) 1

2025:PHHC:141832



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5306-2023(O&M)

Date of decision : 14.10.2025

Haryana State Agriculture Marketing Board

... Petitioner

Versus

Balbir Singh Dahiya and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Padamkant Dwivedi, Advocate and
Ms.Mansi, Advocate
for the petitioner.

Mr.Kanwar Yuvraj Singh, Advocate
for respondent no.1.

Mr. Raj Partap Singh Brar, AAG, Haryana
for respondent no.2.

VIKAS BAHL, J.(ORAL)

CM-19191-CII-2025

1. This is an application under Section 151 CPC for preponing the date of hearing in the revision petition from 26.11.2025 to today itself.
2. For the reasons stated in the application and in view of the fair stand taken on behalf of the petitioner as well as on behalf of the contesting respondent no.1, the application is allowed and the main revision petition is preponed from 26.11.2025 to today.



CR-5306-2023

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 31.08.2023 (Annexure P-4) vide which the application filed by the petitioner under Section 5 of the Limitation Act seeking condonation of delay in filing the first appeal against the judgment and decree dated 11.04.2018, has been dismissed.

2. On 22.09.2025, this Court was pleased to pass the following order:-

*“Present: Mr.Padamkant Dwivedi, Advocate and
Ms.Ayushi, Advocate
for the applicant-petitioner.*

Learned counsel for the applicant has very fairly submitted that the applicant is ready to pay decretal amount to respondent no.1 but has prayed that the amount be given to respondent no.1 after taking adequate surety from respondent no.1 and respondent no.1 be also directed to return the amount in case the present appeal is allowed.

Notice in the application for 25.09.2025.

To be taken up after the urgent list.

Liberty is granted to the applicant to serve respondent no.1 through dasti process as well as through counsel appearing before the executing Court.

September 22, 2025”

3. Learned counsel for respondent no.1 has submitted that the petitioner be directed to pay the entire decretal amount to respondent no.1 in a time bound manner. It is further submitted that respondent no.1 is not in a



position to make adequate surety but would give an undertaking before the Executing Court at the time of release of decretal amount to respondent no.1 that in case the appeal, which has been filed by the petitioner against the judgment and decree dated 11.04.2018 is allowed, then, the amount which has been paid to respondent no.1 in pursuance of the judgment and decree dated 11.04.2018 would either be repaid by him or could be deducted from the pension of respondent no.1. It is submitted that in case the petitioner agrees to the said condition, then the appeal be decided on merits. It is submitted that however, respondent no.1 be permitted to raise all the pleas which are available to him to oppose the appeal on merits.

3. Learned counsel for the petitioner has submitted that he has no objection to the said course of action but has prayed that the petitioner be also permitted to raise all the pleas in the first appeal on merits.

4. Keeping in view the above said facts and circumstances and the fair stand taken on behalf of the petitioner as well as on behalf of the contesting respondent no.1, the present revision petition is partly allowed and the impugned order dated 31.08.2023 vide which the first appeal filed by the petitioner has been dismissed on the ground of limitation alone, is set aside with the following directions / observations:-

- i) The petitioner would deposit the entire decretal amount in pursuance of the judgment and decree dated 11.04.2018 within a period of 15 days from today with the Executing Court and the Executing Court would release the said amount to



respondent no.1. In case the petitioner does not comply with the said direction, then, the present petition would be deemed to have been dismissed.

- ii) In case of compliance of direction no.(i) by the petitioner, the Executing Court would release the entire amount to respondent no.1 and respondent no.1 at the said time would give an undertaking to the effect that in case the first appeal filed by the petitioner against the judgment and decree dated 11.04.2018 is allowed, then, respondent no.1 would return the said amount to the petitioner or would permit the petitioner to deduct the same from his future pension.
- iii) It would be open to both the parties to make all submissions on merits of the appeal, as this Court has not opined on the merits of the appeal.

(VIKAS BAHL)
JUDGE

October 14, 2025.

Davinder Kumar

Whether speaking / reasoned
Whether reportable

Yes/No
Yes/No