

**143 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****RA-RS-21-2025 in RSA-1086-2025****Date of Decision: April 24, 2025****MGF Development Ltd.****... Non-applicants/Appellants****Versus**

Cosmo Propbuild Pvt. Ltd. and others

...Respondents/Review applicants

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Present:-** Mr. R.S. Rai, Sr. Advocate,  
Mr. Ashish Chopra, Sr. Advocate with  
Ms. Rupa Pathania, Ms. Rubani Vermani and  
Mr. Varun Aryan Sharma, Advocate  
for review applicants/respondents.

Mr. Sanjeev Sharma, Sr. Advocate,  
Mr. Amit Jain, Sr. Advocate with  
Mr. Amandeep Talwar, Advocate  
for non-applicant/appellant.

**DEEPAK GUPTA, J.(Oral)**

An application under Order 7 Rule 11 CPC for rejecting the plaint moved by defendant Nos.1 to 6 (applicants herein) was allowed by the trial Court, thus rejecting the plaint. That order was assailed before the First Appellate Court and along with appeal, an application under Section 5 of the Limitation Act for condoning the delay of 38 days in filing the appeal, was moved. The First Appellate Court rejected the application to condone the delay and consequent thereto, the appeal itself was dismissed being time barred vide order dated 13.01.2025.

2. The aforesaid order dated 13.01.2025 was assailed before this Court by way of filing RSA No.1086 of 2025. This Court by way of the order dated 09.04.2025 allowed the appeal, subject to cost. The matter was remanded to the First Appellate Court for a fresh decision on the appeal, strictly on its merits and uninfluenced by any observations made in the order. It was also directed that pending the decision of the appeal before the First Appellate Court, no third party rights shall be created in the suit property by either party.

3. Now, the applicants, who were respondent Nos.1 to 6 in the main appeal, have approached this Court, seeking review of the aforesaid order.

4. It is contended by learned senior counsel for the applicants-respondent Nos.1 to 6 that no relief was claimed by the appellant-plaintiff qua creating any third party rights in the suit property and so the said direction by this Court is harming the interest of the applicants.

5. Though no formal notice of the review application has been issued, but Mr. Sanjeev Sharma, Sr. Advocate and Mr. Amit Jain, Sr. Advocate with Mr. Amandeep Talwar, Advocate has put in appearance for non-applicant/appellant.

6. Learned senior counsel from both the sides have been heard at considerable length. The object in giving the direction, as pointed out by learned senior counsel for the applicants-respondents was to preserve the property in dispute, till the matter is decided by the First Appellate Court. As such, this Court does not find any ground whatsoever to review the order dated 09.04.2025 and therefore, the present application is hereby dismissed.

7. However, learned senior counsel for the applicants has made another prayer to direct the First Appellate Court to dispose of the appeal expeditiously.

8. It has been informed by learned senior counsel for the non-applicant/appellant that matter is fixed before the First Appellate Court for 20.05.2025. Though, learned counsel for the applicants-respondents submits that they have not been notified about the said date, but they can notice the said date as informed before this Court.

9. Even learned senior counsel for the non-applicant/appellant has no objection to give necessary direction to the concerned Appellate Court to dispose of the appeal expeditiously.

10. In the entirety of the facts and circumstances, it is directed that in case the First Appellate Court is able to pre-pone the matter, considering the cases listed before it prior to 20.05.2025, it will be at liberty to pre-pone the matter; otherwise the First Appellate Court shall make every possible endeavour to dispose of the appeal within a week from 20.05.2025, the date already fixed, provided applicants put in appearance before the Appellate Court on or before 20.05.2025.

**April 24, 2025**

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**(DEEPAK GUPTA)  
JUDGE**

Whether reasoned/speaking:

Yes/No

Whether reportable:

Yes/No