

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

**CM-14113-CII-2025 in/and  
CR-2161-2024 (O&M)  
Date of Decision : 28.07.2025**

Vinod Kumar Bagai and Others ....Petitioners

VERSUS

M/s R.K. Garg and Sons HUF and Another. ....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Kamal Chaudhary, Advocate for the petitioners.

**ALKA SARIN, J. (Oral)**

**CM-14113-CII-2025**

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 for preponing the date of hearing in the main case (**CR-2161-2024**) from 14.11.2025 to an early date.

2. For the reasons stated in the application, the same is allowed. With the consent of learned counsel for the petitioners, the main revision petition is taken on Board today itself.

**CR-2161-2024 (O&M)**

3. Present revision petition has been filed challenging order dated 03.04.2024 whereby the application for transfer filed by the defendant-petitioners herein has been dismissed by the District Judge, Panchkula.

4. Learned counsel for the petitioners would contend that the suit was decided vide judgment and decree dated 29.11.2017 and the appeal is pending against the same. Meanwhile, an application was filed by the

plaintiff-respondents under Order XXXIX Rule 2-A of the Code of Civil Procedure, 1908, which was also decided vide order dated 17.10.2017 qua which also an appeal has been preferred. Learned counsel for the petitioners would further contend that vide the application, the petitioners have sought transfer of the appeals i.e. CA-1-2018 titled 'Vinod Kumar Bagai and Others vs. M/s R.K. Garg & Sons and others' and CA-282-2017 titled 'Vinod Kumar Bagai and Others vs. M/s R.K. Garg & Sons and others'. Learned counsel for the petitioners has further contended that the plaintiff-respondents are not addressing arguments in the appeal being CA-1-2018 however they are pressing the appeal being CA-282-2017.

5. Heard.

6. As per e-Court website of District Courts, Panchkula, the appeal preferred against order passed on the application under Order XXXIX Rule 2-A CPC is pending for 21.08.2025 and the appeal challenging the judgment and decree dated 29.11.2017 is pending for 08.08.2025. In the present revision petition though notice of motion was not issued however vide order dated 10.04.2024 the passing of the final order in CA-282-2017 was stayed. It is apt to note that CA-282-2017 is the appeal arising out of the proceedings under Order XXXIX Rule 2-A CPC. There was no stay regarding passing of the final order in the appeal being CA-1-2018. After passing of order dated 10.04.2024 repeatedly the case was adjourned before this Court on request of learned counsel for the petitioners on 09 occasions. Vide order dated 03.07.2025 the stay order was vacated in view of the repeated adjournments.

7. A perusal of the *zimni* orders passed in CA-1-2018, which have been appended with the application (CM-3668-CII-2025), reveals that after 10.04.2024 when interim order was passed by this Court staying the passing of the final order in CA-282-2017, the plaintiff-petitioners herein have been seeking adjournments repeatedly on one ground or the other.

8. Without commenting on the conduct of the plaintiff-petitioners, the present revision petition is dismissed. Pending applications, if any, also stand disposed off.

9. This Court is sanguine that the First Appellate Court would hear the arguments on the appeal being CA-1-2018 on the date fixed i.e. 08.08.2025 and would not grant any adjournment to either of the parties on any account.

28.07.2025  
jk

( ALKA SARIN )  
JUDGE

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO