



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CR-1318-2025 (O&M)

Date of Decision: 04.03.2025

Ram Singh and others

.... Petitioners

Versus

Gurjant Singh and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Hitesh Verma, Advocate for the petitioners.

NIDHI GUPTA, J. (ORAL)

CM-4353-CII-2025

Application is allowed, as prayed for.

CR-1318-2025

Prayer in this revision petition filed under Article 227 of the Constitution of India, is for issuance of necessary directions to learned Additional District Judge, Mansa, for expeditious disposal of the application under Order XLI Rule 5 CPC dated 05.11.2024 (Annexure P-3) moved by the petitioners in appeal bearing No. CA 144/2024 dated 05.11.2024 (Annexure P-2) against the judgment and decree dated 17.09.2024 (Annexure P-1) passed by the learned Additional Civil Judge (Senior Division), Mansa.

Learned counsel for the petitioner/judgment-debtors submits that the petitioners had filed an appeal bearing No. CA 144/2024 dated 05.11.2024 (Annexure P-2) against the judgment and decree dated 17.09.2024 (Annexure P-1) passed by the learned trial Court, whereby the suit filed by plaintiff-respondent No. 1 for declaration, possession and



permanent injunction was decreed to the effect that the plaintiff-respondent No. 1 and proforma defendants are owners in joint possession of the suit land. It is submitted that along with the appeal (Annexure P-2), the petitioners have also filed an application under Order XLI Rule 5 CPC dated 05.11.2024 (Annexure P-3) in which prayer for staying the operation of impugned judgment and decree (Annexure P-1) was made. Vide order dated 13.11.2024, passed by the lower Appellate Court notice in the main appeal as well as in the application (Annexure P-3) was issued to the respondents for 08.01.2025.

Learned counsel for the petitioners has pointed out that in the meantime, respondent No. 1-plaintiff has applied for registration of mutation vide application dated 12.11.2024 (Annexure P-4) before the learned Tehsildar, Mansa. Accordingly, the petitioners have filed application dated 27.11.2024 (Annexure P-5) for preponing the date of hearing, which vide order dated 11.12.2024 was ordered to be listed for hearing along with the main case on 08.01.2025.

Learned counsel for the petitioners refers to the *zimni* orders passed by the learned lower Appellate Court, reproduced at page Nos. 9 and 11 of the paper-book to submit that on 08.01.2025, the matter stood adjourned to 29.01.2025. On the next date of hearing i.e. 29.01.2025, even though, strike has been declared by the local Bar Association yet, learned counsel for the petitioners appeared before the Court along with petitioner No. 2-Anterdeep Singh, however, the matter stood adjourned to 07.07.2025.

It is, accordingly, prayed that in view of the above facts, a direction be issued to the lower Appellate Court to decide the application



under Order XLI Rule 5 CPC dated 05.11.2024 (Annexure P-3) expeditiously.

Heard.

Having given thoughtful consideration to the submissions of learned counsel for the petitioners and without commenting upon merits of the case, but in view of principles of natural justice, equity, good conscience and fair play; this petition is being **disposed of** without issuing Notice of Motion to the respondents as that will only further delay be matter; the learned lower Appellate Court is directed to decide the application under Order XLI Rule 5 CPC dated 05.11.2024 (Annexure P-3) filed by the petitioners, expeditiously and preferably within a period of 02 months from today.

Pending application(s), if any, shall also stand disposed of.

04.03.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned **Yes/No**

Whether Reportable **Yes/No**