108 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CR-1201-2025
Date of Decision: 07.03.2025

Kamaljit Singh and Another ....Petitioners

Versus

Ajit Singh and Others ...Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Munish Gupta, Advocate for the petitioners.

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VIKRAM AGGARWAL, J (ORAL).

1. The present revision petition has been preferred under Article 227 of the Constitution of India seeking the issuance of directions to be Court of learned Additional District Judge, Hoshiarpur to decide ***Civil Appeal No.148 of 2020*** titled as ***'Ajit Singh Vs. Palwinder Singh and Others'*** in a time bound manner.

2. The facts, as emanating from the revision petition, are that respondent No.1-plaintiff instituted a suit for declaration that he was the co-owner in possession of land situated in revenue estate of Village Liddar, Tehsil and District Hoshiarpur. The case set up was that the land had not been partitioned as the order of partition had been set aside in appeal and the matter had been remanded back for fresh decision on the application for partition. The suit came to be dismissed vide judgment and decree dated 13.02.2020 (Annexure P-1). An appeal (Annexure (P-2) was preferred against the said judgment and decree. It was accompanied by an application for the grant of ad interim injunction filed under Order 39 Rules 1 and 2 CPC. The said application was disposed of on 20.03.2020 (Annexure P-3) and *status quo* as regards the trees existing in the suit property was ordered to be maintained.

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3. The partition proceedings, in the meantime, were decided up to the Court of Financial Commissioner, Punjab. However vide order dated, 17.11.2023 (Annexure P-4), the matter was remitted to the Tehsildar-cum-Assistant Collector, Hoshiarpur to pass the partition order as per directions passed on 31.03.2014. This order came to be challenged in ***CWP-5962-2024*** and vide order dated 14.03.2024 (Annexure P-5), operation of the impugned order dated 17.11.2023 was stayed.

4. Under the circumstances, an application (Annexure P-6) was moved by the present petitioner to postpone the decision of the appeal during the pendency of the writ petition. The said application was opposed by way of reply (Annexure P-7). Vide order dated 10.02.2025, the matter was simply adjourned to 24.03.2025 without any decision on the said application. It has been averred that orally, it was told that the appeal would not be decided till the decision of the writ petition.

5. I have heard learned counsel for the petitioner.

6. Learned counsel for the petitioner submits that the appeal is pending since the year 2020. He submits that the pendency of the writ petition would not affect the decision of the appeal and there is no occasion for the First Appellate Court to wait for the decision of the writ petition. Learned counsel submits that since injunction is operating against the petitioner for the last 03 years, the same has prejudiced their rights. Learned counsel has also referred to the various interlocutory orders placed on record as Annexure P-8 and Annexure P-9.

7. I have considered the submissions made by learned counsel for the petitioner.

8. There would be no necessity of issuing notice to the respondents, for, in view of the nature of the order that is proposed to be passed, no prejudice would be caused to them.

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9. No doubt, the appeal is pending since the year 2020 and stay operating since 20.03.2020. Even thereafter, on 15.09.2022 (Annexure P-9), parties were directed to maintain *status quo* as regards possession and cutting and removing of trees. An application for deferring the decision in the appeal till the decision of ***CWP-5962-2024*** is pending before the First Appellate Court. This Court does not wish to comment anything upon the said issue, for, an application in this regard is pending before the First Appellate Court and, in any case, in the present proceedings, this Court would not want to go into the said issue. However, it is an admitted fact that the appeal is pending for the last 05 years. No doubt, Courts are burdened with a huge number of cases. However at the same time, it has to be borne in mind that the time period fixed for the decision of a civil appeal is normally 02 years after which it is stated to be an old case, as per the guidelines issued by the High Court. All Courts are duty bound to make efforts to expeditiously hear and decide the cases listed before them.

Considering the entire facts and circumstances of the case, the present revision petition is ***disposed of*** with a direction to the Court of learned Additional District Judge, Hoshiarpur where ***Civil Appeal No.148 of 2020*** titled as ***'Ajit Singh Vs. Palwinder Singh and Others'*** is pending to immediately hear and decide the application (Annexure P-6). The said decision be taken within one month from the next date fixed i.e. 24.03.2025.

(VIKRAM AGGARWAL)
JUDGE

07.03.2025
Prince Chawla

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No

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