

(2016) 02 SHI CK 0019
In the High Court Of Himachal Pradesh
Case No : Civil Revision No. 90 of 2008

Jay Pee Himachal Cement Project

APPELLANT

Vs

Jai Pal S/o Piru Ram and others

RESPONDENT

Date of Decision : 26-02-2016

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 23 Rule 3

Citation : (2016) 1 SimLC 598

Hon'ble Judges : P.S. Rana, J.

Bench : Single Bench

Advocate : M.L. Chauhan, Addl. A.G, for the Respondent

Final Decision : Disposed off

Judgement

P.S. Rana, J.(Oral) - None appeared on behalf of co-non-petitioners No.1 and 2. Hence, co-non-petitioners No.1 and 2 are proceeded ex-parte. It is observed by the Court that relating to same award similar application under Order 23, Rule 3 of CPC was dismissed by learned Additional District Judge Solan H.P. Several Civil Revision petitions were filed and similar Civil Revision petitions were disposed of by the Hon''ble Court on 16th July, 2014 of similar nature. The Court is of the opinion that order of the Hon''ble Court dated 16th July, 2014 passed in CMPMO No.511 of 2009, titled as Jay Pee Himachal Cement Project V. Babu Ram and another is applied mutatis mutandis to the present Civil Revision petition. Hence, the order of the leaned Additional District Judge Solan (H.P.) dated 23.2.2008 passed on application under Order 23, Rule 3 CPC is quashed with the following directions:-

- (i) That Court shall decide the applications afresh in accordance with law.
- (ii) That Court shall decide the issue and will record its satisfaction about the execution if any of the agreement/compromise having entered into between the parties. Also its legality and validity shall be considered.
- (iii) That Court shall afford adequate opportunity for leading evidence, if so

required by the parties. Parties undertake to co-operate and not take any unnecessary adjournment.

(iv) That parties shall appear before the learned Additional District Judge Solan on 26.3.2016.

(v) Since petition was filed in the year 2008, hearing is expedited and the Court shall decide the application and if so required the main petition itself expeditiously and not later than Six months from the first hearing.

No order as to costs. Certified copy of the order be transmitted to learned Additional District Judge Solan forthwith for compliance. Civil Revision No.90 of 2008 is disposed of accordingly.