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2025:PHHC:017083



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

CRM-M-3034-2025

Date of Decision:05.02.2025

Amandeep Singh

...Petitioner

VS.

Preet Industries and Anr.

...Respondents

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Ms. Jasneet Mehra, Advocate
for the petitioner.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 528 of B.N.S.S with a prayer to issue appropriate directions to the Appellate Court to decide the appeal No.CRA/6/2020 titled as "Preet Industries Vs.Amandeep Singh" within a period of three months.

2. This matter was heard at length on 20.01.2025 and the following order was passed:-

"Along with the main appeal, learned counsel for the petitioner has annexed various zimni orders passed by the Appellate Court. Vide order dated 04.01.2020, the Appellate Court/Additional Sessions Judge, Amritsar had summoned the lower Court record for disposal of the appeal. Thereafter, the various zimni orders were passed by the Appellate Court for summoning of the record, but record was not received by the Appellate Court. Finally, in the order dated 04.12.2024, again it has been noted by the Appellate Court that the Trial Court record was still not received.

It is shocking to note that for the last five years, the record has not been received by the Appellate Court from the Trial Court, inspite of the fact that both the Courts are situated at Amritsar, only.



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The District and Sessions Judge, Amritsar is directed to hold an enquiry in the matter and to submit a report on or before the next date of hearing.

Adjourned to 05.02.2025.

The Registry of this Court is also directed to communicate this order to the District and Sessions Judge, Amritsar for compliance”.

3. In compliance of order dated 20.01.2025, an enquiry report has been received from District and Sessions Judge, Amritsar. The relevant extract of report is as under:-

“From the perusal of record of case bearing No.CRA/6/2020, titled as "Preet Industries Vs. Amandeep Singh" of the Court of Sh.Baljinder Singh, Additional District & Sessions Judge, Amritsar as well as statements of above mentioned officials, it reveals that no docket for the requisition of lower Court record of case titled as "Amandeep Singh Vs. Preet Industries" decided on 05.12.2019 by Ms.Satvir Kaur, the then JMIC, Amritsar was issued by the officials namely Sh.Sahil Sharma, Ahlmad (now Translator), Sh.Rajinder Kumar, Ahlmad and Sh. Tejinder Sharma, Ahlmad despite orders passed by the respective Courts. The Appeal bearing No.CRA/6/2020, titled as "Preet Industries Vs. Amandeep Singh" was registered on 04.01.2020 but the Presiding Officers with whom the said Appeal remained pending have not taken any effective steps for summoning of the lower Court record. The lower Court record was received in the Appellate Court only on 23.01.2025 and now the said Appeal is fixed for 01.04.2025. The necessary disciplinary proceedings have been initiated against Sh.Sahil Sharma, Ahlmad (now Translator), Sh.Rajinder Kumar, Ahlmad and Sh.Tejinder Sharma, Ahlmad for not issuing the docket for the requisition of lower Court record despite orders passed by the respective Courts.

4. From the report submitted by District and Sessions Judge,



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Amritsar, it is apparent that appropriate disciplinary action has already been initiated against three officials of District Court, Amritsar for not issuing the docket for the requisition of lower Court record, despite orders passed by the respective Courts. It is expected that the disciplinary proceedings shall be taken to its logical end.

5. Apart from that, it is also apparent that the appeal in the present case was instituted before the Court of Sessions Judge, Amritsar on 03.01.2020 and shockingly, the lower Court record was not received by the Appellate Court for a period of more than five years from a local court itself. It is really painful to notice that the Presiding Officers of the Appellate Court had passed routine orders and did not bother to take any effective steps for summoning the lower Court record. Such negligent act on the part of the judicial officers is totally unacceptable, which amounts to denial of speedy justice to the litigants, who approached the Court with the hope that justice shall be delivered to them at the earliest.

6. Consequently, the District and Sessions Judge, Amritsar is directed to forward a copy of this order to all the judicial officers, who had handled this appeal in the past and all judicial officers are advised to be careful in future.

7. Adverting to the present case, this appeal was filed before the Appellate Court on 03.01.2020 and is still stated to be pending for 01.04.2025. The Appellate Court is directed to decide the appeal on 01.04.2025 itself or within a period of one week thereafter and under, no circumstances the appeal shall be adjourned.

8. Disposed of.

(N.S.SHEKHAWAT)
JUDGE

05.02.2025
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No