

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT CHANDIGARH

CR No.2699 of 2015 (O&M)

Date of Decision : 11.5.2015

Col.Jasarvinder Singh Panaych and another

..Petitioners.

Vs.

Amarjit Kaur (deceased) through LRs and others

..Respondents.

CORAM : HON'BLE MR.JUSTICE RAJESH BINDAL

Present : Mr. V.K.Jindal, Sr.Advocate with
Mr. Akshay Jindal, Advocate for the petitioners.

Mr. Gulshan Sharma, Advocate for respondent No.1(a).

Mr. S.S.Brar, Advocate for respondent No.1(b).

RAJESH BINDAL, J.

The appellants before the Court below have filed the present petition challenging the order dated 19.3.2015, vide which the application for stay of operation of judgment and decree of the trial Court has been dismissed. The case of the petitioners is that they are in possession of the property in dispute. However, as per the judgment of the trial Court, the respondents have also been granted share in the property. Their only apprehension is that during the pendency of the appeal, respondents may not alienate their share in the property. The appeal is stated to be listed on 17.7.2015. Service of respondent No.1 is complete. LR's of deceased respondent No.2 are still to be served.

Learned counsel for the petitioners submitted that he will make efforts to serve LR's of respondent No.2 by dasti process though they were ex parte before the trial Court or make an appropriate statement before the Lower Appellate Court, so that the proceedings in the appeal are not delayed.

Learned counsels for LR's of respondent No.1 fairly stated that in case the appeal is disposed of early, they will not alienate the property in dispute.

After hearing the learned counsel for the parties, the present petition is disposed of giving liberty to the petitioners to serve the LR's of respondent No.2 by dasti process or make an appropriate statement before the Court below, so that the proceedings in the appeal are not delayed. In case a request is made for issuance of dasti summons for service of LR's of respondent No.2, the same shall be permitted in addition to other modes, permissible in law.

The appeal is now stated to be listed on 17.7.2015. It is not in dispute that the petitioners are in possession of the property in question. The present petition is disposed of with a direction to the learned court below to dispose of the appeal within a period of three months from the next date of hearing. Till such time, alienation of the property in dispute shall remain stayed.

11.5.2015
Meenu

(Rajesh Bindal)
Judge