

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

**(113)**

**CR No.4855 of 2015**

**Decided on: August 04, 2015.**

**Kailasho Devi**

**.... Petitioner**

**Versus**

**Sanjeev Bansal and others**

**..... Respondents**

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI**

Present: Mr. Amit Kumar Jain, Advocate,  
for the petitioner.

**M.M.S. BEDI, J (ORAL)**

This revision petition has been preferred against order dated 21.05.2015 by virtue of which, the first Appellate Court in an appeal against a preliminary decree, has not stayed the operation of preliminary decree but has safeguarded the rights of the petitioner by observing that the trial Court can proceed with the application for final decree but the land will not be finally divided till the next date of hearing which is 18.09.2015.

Learned counsel for the petitioner submits that in case the appeal is allowed, all the proceedings before the trial Court for final decree would become null and void.

I have heard learned counsel for the petitioner and I am of the opinion that a preliminary decree cannot be executed. It is the final decree of partition which can be executed by a Court. The lower Appellate Court appears to have safeguarded the interest of the petitioner by observing that the proceedings for the final decree may continue but final division of the land will not take place. An application for preponing the date of hearing in

appeal has also been dismissed. The only relief which the petitioner can be granted is a clarification that the land will not be finally divided till the pendency of the appeal before the lower Appellate Court, however, the proceedings for final decree may continue.

Disposed of with above said observations.

**(M.M.S. BEDI)**  
**JUDGE**

**August 04, 2015**  
*harsha*