

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

**CR No.652 of 2015 (O&M)
Date of decision: 04.02.2015**

Kunj Chowdry and others

....Petitioners

Versus

Krishan Kumar and another

...Respondents

CORAM: Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Ashok Jindal, Advocate for the petitioners.

Mr. V.M.Gupta, Advocate for the respondents.

Rakesh Kumar Jain, J. (Oral)

On 28.01.2015, the following order was passed:-

“Counsel for the petitioner has submitted that on 15.01.2015, when Civil Revision No.6823 of 2014 was disposed of, it was agreed between the parties that the application dated 01.09.2014, pending before the Appellate Court, would be pressed by the present petitioner, which was fixed for 20.01.2015.

It is submitted that on 20.01.2015, counsel for the petitioner Mr. Yogesh Gupta, Advocate was ready with the arguments, but counsel for respondent No.1 prayed for

an adjournment on the ground that he had received a telephonic message from his client that he is busy in a marriage at New Delhi and would come back on 22.01.2015, therefore, he was not to argue the case in his absence and Mr. Rohit Jain, Advocate who appeared on behalf of respondent No.2 stated at the Bar that he was engaged today itself, therefore, he was not prepared with the case. Thus, the Court adjourned the case for 23.01.2015.

On 23.01.2015, it is alleged that the respondents had again asked for an adjournment as they had moved an application for transfer of the case before the District Judge, Sangrur and on that day the Appellate Court who was seized of the application for stay in appeal, adjourned the case to 13.02.2015 without deciding the application. It is submitted that on the one hand, the respondents are not co-operating with the disposal of the application dated 1.09.2014 for stay pending before the Appellate court and on the other hand, they are proceeding with the execution of the decree, inasmuch as the case is now fixed for confirmation of sale. It is submitted that if sale is confirmed, the petitioner would suffer and the application for stay of confirmation of sale filed by the appellants in the appeal would become infructuous.

Notice of motion 4.02.2015.

In the mean time, proceeding before the Executing Court at Dhuri shall remain stayed.

Copy of this order be given dasti to counsel for the petitioner under the signature of Bench Secretary of this Court”.

Counsel for the respondents has put in appearance and has made a statement that they would not ask for confirmation of sale, pending before the Civil Court at Dhuri, till application filed by the petitioners in the appellate Court for stay is decided.

Counsel for the petitioners is not satisfied with the statement and has submitted that instead of recording his statement in this regard the confirmation of sale in the Court at Dhuri be stayed till the application is filed by him for stay in the Appellate Court is decided in one way or the other.

After hearing learned counsel for the parties and keeping in view the facts and circumstances of the case and specially the statement made by Mr. Vikas Mohan Gupta, Advocate for the respondents, the present petition is hereby disposed of with a direction that the matter with regard to confirmation of sale pending before the Court at Dhuri shall remain stayed till the said application filed by the petitioner, in the appeal, pending before the Addl. District Judge, Sangrur, is not decided, one way or the other.

February 04, 2015
Manoj Bhutani

(Rakesh Kumar Jain)
Judge