

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

CR-7936-2015

Date of decision-03.12.2015

BALJINDER SINGH

...Petitioner

VS

RAJINDER SINGH & ORS

..Respondents

CORAM:-HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ishan Gupta, Advocate
 for the petitioner.

Mr. Harsh Aggarwal, Advocate
for respondent No.3.

RAJ MOHAN SINGH, J (Oral)

[1] On 24.11.2015, this Court passed the following order:-

“Learned counsel for the petitioner contends that Dharamshala Sargheri is the recorded owner of the land in question by virtue of gift deed dated 18.1.2006 BK. The civil suit filed by Rajinder Singh and others for possession against Mit Singh and others was decreed on 15.3.1971. Objections were filed by the petitioner in a representative capacity being member of Dharamshala. Objections were declined by the Executing Court against which appeal is pending before the lower Appellate Court. The application for stay of execution has been adjourned time and again without interim protection and warrants of possession have been issued for 26.11.2015. Learned counsel further states that dismissal of objections amounts to decree under Order 21 Rule 103 CPC and the same is appealable in nature. Appeal has already been admitted before the lower Appellate Court and nature of the suit property has to be preserved during pendency of appeal.

Notice of motion to respondents No.1 to 4 for 3.12.2015.

Dasti as well.

Till then status quo regarding possession of the property in question be maintained.

In the meanwhile, lower Appellate Court is directed to make sincere endeavour to decide pending application for interim relief on the date fixed i.e. 27.11.2015 or at a subsequent short date as per convenience.”

[2] Learned counsel appearing on behalf of respondent No.3 states that now the application for interim order has been heard by the Lower Appellate Court and 05.12.2015 is the date fixed for orders on interim protection. Learned counsel further states that till decision of stay application before Lower Appellate Court, interim order granted by this Court be made operational.

Ordered accordingly.

[3] However, this order shall not be construed to be an opinion on merits of the case in any manner.

Disposed of.

(RAJ MOHAN SINGH)
JUDGE

December 03, 2015

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