

Civil Revision No. 144 of 2016 (O&M)

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

Civil Revision No. 144 of 2016 (O&M)

Date of Decision: January 11, 2016

Carona Limited

...Petitioner

Versus

Tej Kaur Bains

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASI

Present: Mr. Rahul Sharma-I, Advocate
for the petitioner.

AUGUSTINE GEORGE MASI, J. (Oral):

Counsel for the petitioner submits that against the order of the learned Executing Court dated 29.10.2015 (Annexure P-6), appeal has been preferred by the company in which notice has been issued and the appeal has been admitted, however, the Executing Court vide order dated 17.12.2015 has ordered warrant of possession to be executed with the help of police with permission to break open the locks for 11.01.2016, against which the appellant moved an application in the appeal, where notice has been issued by the learned Additional District Judge, Jalandhar, for 14.01.2016 when the main appeal is listed but no stay has been granted. Counsel contends that since no stay has been granted by the learned Appellate Court, the appeal itself will be rendered infructuous if the warrants of possession is executed.

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Reliance has been placed upon the order passed in 'CR No.7204 of 2015', titled as 'Jarnail Singh Vs. M/s Love Industries', decided on 30.10.2015, where in the similar circumstances, this Court was pleased to dispose of the civil revision by directing the application for stay and the appeal to be decided together and ordering status quo in the meanwhile, qua the possession till the decision of the appeal. An observation has further been made that the appeal shall not be adjourned at any cost on the request of the counsel for the petitioner-appellant.

In view of the above, on considering the submissions made by the learned counsel for the petitioner, the present revision petition is disposed of by directing the Appellate Court to decide the application for stay alongwith the appeal and not to grant any adjournment at the request of the counsel for the petitioner-appellant.

Meanwhile, status quo with regard to the possession of the demised premises shall be maintained during the pendency of the appeal, subject to above.

The civil revision is disposed of, accordingly.

January 11, 2016

Harish

**(AUGUSTINE GEORGE MASIH)
JUDGE**