

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

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Civil Revision No.5161 of 2016 (O&M)
Date of Decision: August 11, 2016

Sawinder Singh

...Petitioner

Versus

Jagmohan Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Divanshu Jain, Advocate
for the applicant-petitioner.

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM No.15850-CII of 2016

Prayer in this application is for exemption from filing the certified/typed copies of the impugned order and Annexures P-1 to P-11 and for placing on record the same.

Application is allowed.

Exemption from filing the certified/typed copies of the impugned order and Annexures P-1 to P-11 is granted and the same are taken on record subject to just exceptions.

CR No.5161 of 2016

It is the contention of learned counsel for the petitioner that the Executing Court has wrongly been informed that the order dated 09.01.2015, whereby stay of dispossession was granted to the petitioner, has never been extended thereafter, as has been observed in the order dated 04.07.2016. With reference to the zimni orders which have been passed by the Appellate Authority, he has brought to the notice of the Court that indeed interim orders were extended on various dates thereafter as well. He, however, contends that an application for stay of dispossession was

moved before the Appellate Authority which has been adjourned to 30.08.2016 when the main appeal is also listed for hearing. In case the execution is permitted to continue and the possession is handed over to the respondent-landlord, the appeal would be rendered infructuous. He, therefore, prays for protection of possession till 30.08.2016 when the application for stay as also the appeal is listed before the Appellate Authority. He further undertakes that he would not delay the proceedings before the Appellate Authority and on 30.08.2016, shall not seek adjournment and the counsel would be ready for arguments on the main appeal itself. He, therefore, prays that the present petition may be disposed of in the light of the above.

Considering the submissions, as has been made by the counsel for the petitioner and also keeping in view the interim orders which have been passed by the learned Appellate Authority, it is apparent that the observations of the Executing Court in its order dated 04.07.2016 that the interim order in favour of the petitioner was not extended beyond 09.01.2015, is totally incorrect. As a matter of fact, it was extended from time to time. In any case, keeping in view the fact that the appeal of the petitioner is listed for hearing on 30.08.2016 and an application for stay has also been moved by him and also that the counsel had undertaken that the petitioner would not seek any adjournment on the said date and would be ready to argue the appeal, dispossession of the petitioner shall remain stayed till 30.08.2016. Thereafter the Court shall pass a specific order with regard to the interim relief, as has been prayed for by the petitioner, either to continue the same or deny the same.

The present revision petition is disposed of with above

In the light of the disposal of the revision petition, the application for stay i.e. CM No.15851-CII of 2016, stands disposed of as infructuous.

August 11, 2016
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No