

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

**CM-562-CII-2016 in/and
CR-8143-2015**

Date of decision: 13.01.2016

HARBANS SINGH

.... Petitioner

VS

JAGDISH SINGH

.... Respondents

CORAM:- HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Arihant Jain, Advocate
for the petitioner.

AUGUSTINE GEORGE MASIH, J.(Oral)

CM-562-CII-2016

Prayer made in this application is for pre-poning of the hearing of the main revision petition which is listed for hearing on 04.02.2016. It has been stated that the Executing Court has passed an order dated 11.01.2016, whereby, warrants of possession have been issued for delivery of possession to the decree-holder by breaking open the lock.

In view of the above, the present application is allowed. Hearing of the revision petition is pre-poned and the revision petition is taken on board.

CR-8143-2015

Learned counsel for the petitioner submits that against the order of the Rent Controller dated 06.02.2015, an appeal has been preferred which has been admitted for hearing but because of paucity of time, the same could not be argued on 12.10.2015 and the

case was adjourned to 11.12.2015 and now the said appeal is listed for hearing on 27.01.2016. He contends that alongwith the appeal, an application for stay has also been filed but no decision thereon till date has been taken by the Appellate Authority. He further contends that in case the order dated 11.01.2016 passed by the Executing Court is given effect to and the possession handed over to the respondent-landlord, the appeal itself shall be rendered infructuous. Therefore, he prays that the dispossession of the petitioner be stayed at least till the next date of hearing in the appeal.

I have heard counsel for the petitioner and have gone through the various zimni orders passed by the Appellate Authority which have been reproduced in the revision petition and find that the submissions made by the counsel for the petitioner is correct and justified.

In view of the above, the present revision petition is disposed of by directing the Appellate Authority, Mohali to consider and decide the application of the petitioner for stay filed with the appeal. Till the final decision on the said application for stay, the dispossession of the petitioner shall remain stayed.

January 13, 2016
Dinesh

**(AUGUSTINE GEORGE MASIH)
JUDGE**