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

CR-8521-2016

Date of decision : 17.12.2016

Hans Raj

... Petitioner

Versus

Balbir Chand and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

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

AMIT RAWAL, J. (ORAL)

The petitioner-defendant is aggrieved of the impugned order dated 07.12.2016, whereby the *ad interim* application accompanying by the statutory appeal filed under Section 96 of the Code of Civil Procedure, has been dismissed.

Mr. Ajay Jain, learned counsel appearing on behalf of the petitioner-defendant submits that the trial Court decreed the suit restraining the petitioner-defendant from interfering into the peaceful possession in the capacity of a tenant, in fact, the petitioner-defendant is become the owner of the property by virtue of the sale deed referred to in the impugned order. The submission before the lower Appellate Court was to pass a status quo order instead of decree, as indicated above as under the garb of the decree, the plaintiff is trying to encroach upon the so-called possession of the petitioner-defendant, thus, the impugned order is not sustainable.

The observations would have a far-reaching repercussion, much

less, seriously prejudice the right of the petitioner-defendant in a pending statutory appeal.

I have heard the learned counsel for the petitioner-defendant and appraised the paper book and of the view that in case the prayer of the petitioner-defendant for staying the judgment and decree is accepted, it would tantamount to allowing the appeal. Instead of pondering upon the merits and demerits of the matter as the lower Appellate Court is seized the matter, I deem it appropriate by upholding the order to dispose of the present revision petition by issuing a direction to the lower Appellate Court to decide the appeal as expeditiously as possible within a period of four months from the date of receipt of the certified copy of the order.

The present revision petition stands disposed of in the aforementioned terms.

17.12.2016
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No