

In the High Court of Punjab and Haryana at Chandigarh

105

CR No.2169 of 2017(O&M)
Date of decision: 02.08.2017

ANIL KUMAR

.....petitioner

Versus

SHEELA GUPTA AND ANR

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Mohd.Yousaf, Advocate,
for the petitioner.

Mr.Vikas Jain, Advocate
for the respondents.

Raj Mohan Singh, J.(oral)

The order passed in Civil Revision No. 2102 of 2017 of the even date be read as part of the present order.

This revision petition has arisen out of order dated 17.3.2017 passed by Additional District Judge, Ludhiana, vide which prayer for interim stay in terms of Order 41 Rule 5 CPC was declined in the first appeal.

Along with suit filed by the petitioner, written statement was filed by the respondents and a counter claim was raised. Trial Court, while dismissing the suit of the plaintiff-petitioner, decreed the counter claim against which appeal is

pending before the Additional District Judge. With the rejection of the prayer for interim stay during pendency of the first appeal, the decree of counter claim has become operative.

Since learned counsel for the respondents has made a statement that the execution of decree passed in counter claim shall not be given effect till disposal of the first appeal before the lower Appellate Court, I deem it appropriate to accept this revision petition and allow the prayer for interim relief during pendency of the appeal before the first Appellate Court.

Accordingly, this revision petition is allowed. Lower Appellate Court shall make every endeavour to decide the appeal at the earliest in accordance with law.

**(RAJ MOHAN SINGH)
JUDGE**

August 02, 2017

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Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No