

248

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

**Civil Revision No.2766 of 2016 (O&M)
Date of Decision: 02.11.2017**

SUBHASH GOYAL

.....Petitioner

Vs

OM PARKASH

....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Mohit Jaggi, Advocate
for the petitioner.

Mr. A.K. Sharma, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

[1]. Vide order dated 10.02.2016 passed by the Co-ordinate Bench of this Court in CR No.1008 of 2016, pending application under Order 41 Rule 5 CPC before the first Appellate Court was ordered to be decided within a period two weeks. In compliance of the said order, the lower Appellate Court has decided the said application vide order dated 24.02.2016 and the same has been assailed in the present revision petition.

[2]. At the time of issuance of notice of motion on 10.08.2016, further proceedings in the pending execution

application were ordered to be stayed. Now it has been informed by learned counsel for the parties that the appeal before the lower Appellate Court is fixed for hearing in the month of January 2018.

[3]. In view of the fact that the sale deed has already been executed with the process of the Court and delivery of possession is yet to be obtained by the decree-holder, therefore, it would be appropriate to direct the lower Appellate Court to decide the pending appeal at the earliest by making sincere endeavour. Till disposal of the appeal, the interim protection granted vide order dated 10.08.2016 shall remain in force. Ordered accordingly.

[4]. Revision petition stands disposed of.

[5]. Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

November 02, 2017

Atik

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No