

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

**CR No.471 of 2017 (O&M).
Date of Decision: 23.01.2017.**

Om Parkash

....Petitioner.

VERSUS

Singh Ram (since deceased) through his LR Rajbir and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Shalender Mohan, Advocate for the petitioner.

SNEH PRASHAR, J.

CM-1196-CII-2017

Allowed, as prayed for.

CR-471-2017

The instant revision petition has been filed for quashing the order dated 07.01.2017 passed by learned Civil Judge (Senior Division), Hansi by virtue of which the application filed by the petitioner for staying the execution was dismissed.

The submissions made by Mr. Shalender Mohan, learned counsel for the petitioner have been considered.

A Civil Revision No.592 of 2015 was filed by the petitioner assailing the order dated 24.07.2015 passed by learned Civil Judge (Junior Division), Hansi dismissing the application filed by the petitioner for

staying the execution proceedings. The said petition was dismissed as withdrawn vide order of this Court dated 02.06.2016 giving liberty to the petitioner to avail appropriate remedy in accordance with law. Accordingly, the petitioner filed an appeal against the impugned order before the first appellate Court which is fixed for 07.02.2017. In between he filed an application for stay of the execution proceedings before learned trial Court. Notice of the said application was given to the counsel representing the respondents which was served but none appeared for the respondents. Learned appellate Court adjourned the matter to the date already fixed i.e. 07.02.2017 i.e. the date for which the main case was fixed and mentioned that no stay could be granted at the said stage.

From the above facts, it is apparent that the appeal filed by the petitioner or the application for stay filed by him have not been disposed of by the first appellate Court. The matter is fixed for hearing on 07.02.2017. Therefore, at this stage intervention into the matter by this Court is not called for and the petition filed is dismissed. However, learned appellate Court will hear the parties on the date fixed so as to dispose of the application filed by the petitioner.

(SNEH PRASHAR)
JUDGE

23.01.2017.
jitender sharma

Whether speaking/ reasoned : **Yes**

Whether Reportable : **No**