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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.7188 of 2015 (O&M)
Date of Decision : 26.10.2017

KULWINDER SINGH

...PETITIONER

VERSUS

M/S BALAJI TRADING COMPANY

....RESPONDENT

CORAM : HON'BLE MR. JUSTICE B.S. WALIA

Present: Mr. Ved Parkash, Advocate for the petitioner.

Mr. Atul Gaur, Advocate for
Mr. Sumeet Goel, Advocate
for the respondent.

B.S. WALIA, JUDGE (ORAL)

[1]. Suit for recovery of a sum of Rs.4,87,460/- filed by the respondent-plaintiff was decreed vide judgment and decree dated 18.10.2014 (Annexure P-1). On institution of execution proceedings by the respondent-plaintiff, order of attachment of the property of the JD was issued. Thereafter, warrant of sale of the attached property (Annexure P-2) was issued by the executing Court.

[2]. In the meantime, the petitioner-defendant filed an appeal against the judgment and decree of the learned trial Court dated 18.10.2014 along with an application for condonation of delay in filing of the aforesaid appeal as also for stay. Though the application seeking condonation of delay was allowed and the appeal was entertained, the application seeking stay of operation of the judgment and decree of the learned trial Court has not been decided and is pending adjudication.

[3]. Learned counsel for the petitioner prays for directions to the learned lower Appellate Court to decide the application for stay expeditiously and to grant interim protection to the petitioner in the meantime.

[4]. Aforesaid prayer is not seriously opposed to by learned counsel for the respondent.

[5]. In the circumstances, the revision petition is disposed of by directing the learned lower Appellate Court to consider and decide the application for stay as filed by the petitioner in the appeal against the judgment and decree dated 18.10.2014, as expeditiously as possible, preferably within a period of eight weeks from today.

[6]. Till such time that decision is taken on the application for stay, warrant of sale of attached property, i.e. Annexure P-2, shall not be acted upon. In the eventuality decision of the learned lower Appellate Court is adverse to the interest of the petitioner, the aforesaid order shall remain in abeyance for a period of two weeks from the date of passing of the order to enable the petitioner to avail of his remedy, if so advised, in accordance with law.

[7]. Revision petition stands disposed of with aforementioned directions.

(B.S. WALIA)
JUDGE

October 26, 2017
rajneesh

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No