

C.R. No.114 of 2018

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

**C.R. No.114 of 2018
Date of Decision.11.01.2018**

Maya Ram and others

.....Petitioners

Vs

Ajmer Singh and others

.....Respondents

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Balbir Kumar Saini, Advocate
for the petitioner.

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AMIT RAWAL J.(ORAL)

The petitioners being aggrieved by the dismissal of application for interim injunction by the lower Appellate Court moved in the appeal preferred against the judgment and decree of the trial dated 28.11.2016, which is sought to be executed by the decree holder by moving application under Order 21 Rule 32 CPC, preferred a Civil Revision bearing No.7659 of 2017 in which following order was passed:-

“Petitioners are in appeal before the first appellate Court against judgment passed by the trial Court, dated 28.11.2016. In the first appeal, prayer for interim injunction was declared by the first appellate Court vide order dated 10.01.2017.

This Court has been informed that the main appeal is fixed for argument on 14.02.2018 and the execution petition filed by the respondents is pending for 17.01.2018.

Taking into consideration these facts, the revision petition is disposed of with a request to the learned first appellate Court to decide the main appeal itself on 14.02.2018 or within a week thereafter.

In the meantime, the Executing Court is directed to adjourn the execution petition beyond the date fixed by the first Appellate Court.”

Since this Court had already directed the Executing Court to adjourn the execution petition beyond the date fixed and the Court is seized of the matter, in my view, no cause of action survive at the present against the impugned order, in essence, the order appointing the local commissioner had been kept in abeyance.

The revision petition stands disposed of in view of aforementioned finding of mine.

(AMIT RAWAL)
JUDGE

January 11, 2018
Pankaj*

Whether reasoned/speaking Yes/No

Whether reportable Yes/No