

CR-1343-2017 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-1343-2017 (O&M)

Date of decision : 15.12.2018

Lal Singh

... Petitioner

Versus

Harbhajan Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Aakash Singla, Advocate
for the petitioner.

Mr. Anshuman Chopra, Advocate
for the respondents.

AMIT RAWAL, J.

The impugned order dated 24.01.2017 rejecting the application under Section 151 of CPC for staying the execution proceedings on the ground that the application under Order 9 Rule 13 of CPC, vide order dated 18.02.2016, had already been decided, has been dismissed by observing as under:-

"4. Rival submissions considered. Record perused. As the application under Order 9 Rule 13 CPC had already been decided on 18.02.16, and in view of the recent authority of our own Hon'ble High Court in case titled as Pritam Kaur Vs. State Bank reported as 2014 (1) CCC, 417 (P&H), as the said application had become infructuous, so the present application for staying the execution and operation of judgment and decree is hereby dismissed. Now to come upon 15.02.17 for further proceedings."

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Learned counsel for the petitioner informs that the order dated 18.02.2016, whereby the application under Order 9 Rule 13 of CPC has been dismissed, is appealable and the appeal has already been filed, which is pending adjudication.

In view of above, I am of the view that the petitioner has the remedy to seek interim prayer in the pending appeal, but not in the manner and mode, as noticed above.

The interim order dated 23.02.2017 granted by this Court shall be valid only till 21.12.2018.

In case, such application is filed, the Courts below shall decide the same uninfluenced with the observations made by this Court.

The present revision petition stands disposed of.

15.12.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**