

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

CR-1669-2018 (O&M)

Date of decision : 24.4.2018

Yaseen (since deceased) through his LRs and others Petitioners

Versus

Saheedan (since deceased) through her LRs and others Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Nafeesh Ahmed, Advocate for the petitioners.

1. *Whether the Reporters of local newspaper may be allowed to see the judgment ?*
2. *To be referred to the Reporter or not.*
3. *Whether the judgment should be reported in the digest ?*

KULDIP SINGH J. (ORAL)

Impugned in the present revision petition is the order dated 21.1.2017 (Annexure P-2), passed by learned Additional District Judge, Mewat, affirming the order dated 25.3.2015, passed by Additional Civil Judge (Senior Division), Mewat vide which an application filed by the present petitioners under Order XXXIX Rule 2-A of the Code of Civil Procedure, 2008 was dismissed.

Heard.

Plaintiff filed a suit in which an order was passed on 1.9.2007 directing the parties to maintain status quo regarding alienation of the suit land. A perusal of the trial Court order shows that after 9.12.2009, stay order was not extended. Later on the suit was dismissed as withdrawn. Defendant No. 2 had executed a sale deed on 24.11.2010. Both the lower Courts below have taken a view that on the date of execution of sale deed, there was no stay order.

Learned counsel for the petitioner contends that once the stay is granted, even in the absence of any order, it is deemed to have been extended till further orders.

I am of the view that there is no deemed extension. Once the stay order is granted till a particular date, it will not be automatically extend till a specific order is passed. Admittedly, on 24.11.2010, when the sale deed was executed, there was no stay order, therefore, the provisions of order XXXIX Rule 2-A of the Code of Civil Procedure, 1908 were rightly held to be not attracted in the present case.

No ground to interfere in the orders dated 21.1.2017 (Annexure P-2), passed by learned Additional District Judge, Mewat, affirming the order dated 25.3.2015, passed by Additional Civil Judge (Senior Division), Mewat is made out.

Dismissed.

Since the main petition is dismissed, the miscellaneous application pending, if any, stands disposed of.

(KULDIP SINGH)
JUDGE

24.4.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	No