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

**Civil Revision No.3055 of 2018
Date of Decision: 25.05.2018**

BARKAT CHAND

.....Petitioner

Vs

KASHMIRI LAL AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Hardip Singh, Advocate for
Mr. B.S. Dhillon, Advocate
for the petitioner.

Mr. Pawan Attri, Advocate
for respondent No.2.

RAJ MOHAN SINGH, J. (Oral)

On 08.05.2018, following order was passed by this
Court:-

*“Learned counsel for the petitioner submits that
RSA No.1782 of 2018 titled Dalbir Chand and others vs.
Kashmiri Lal is pending for 30.7.2018 in which records of
the Courts below have been requisitioned. In the execution
filed by the decreeholder, the directions have been issued
to remove the construction in the gali for which police help
has also been ordered by the Executing Court.*

*By referring to Order 21 Rule 26 CPC, learned
counsel for the petitioner submits that the Executing Court
has powers to stay the execution of a decree for a*

reasonable time in order to enable the petitioner to have appropriate order from the competent Court. Evidently, RSA No. 1782 of 2018 is pending. Learned counsel seeks indulgence of this Court for a week for filing an appropriate application in the pending RSA and to obtain necessary orders.

Notice of motion for 15.5.2018.

Keeping in view the abovesaid factum the Executing Court shall adjourn the proceedings till the next date of hearing. It is made clear that if no interim protection is granted to the petitioner in pending RSA, this order will be of no consequence.”

Apparently, indulgence was granted to the petitioner keeping in view the pendency of RSA No.1782 of 2018. The said RSA was filed on 27.03.2018. Thereafter, an application was filed for preponement of date of hearing in the said RSA on 14.05.2018, despite the fact that indulgence was granted by this Court on 08.05.2018 only for one week.

While taking note of the aforesaid fact, order dated 15.05.2018 came to be passed by this Court, wherein it was made clear that in case the application filed in said RSA is not processed and respondent No.1 is not served, the interim protection granted vide order dated 08.05.2018 shall be vacated.

Today, the Court has been informed that the application for preponement of date of hearing in the said RSA No.1782 of 2018 has been dismissed on 17.05.2018 and the said case is

now pending for 30.07.2018.

Since the indulgence was granted only for one week which was subsequently extended till date vide order dated 15.05.2018, therefore, I see no reasons to grant any further indulgence in this revision petition. The same is accordingly dismissed.

May 25, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No