

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.3518 of 2017 (O&M)

Date of decision:26.04.2018

Gurmail Singh and another

... Petitioners

Vs.

Harbans Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. R.K.Chauhan, Advocate
for the petitioners.

Mr. Munish Gupta, Advocate
for the respondents.

AMIT RAWAL J. (Oral)

C.M.No.26100-CII-2017

The application is allowed subject to all just exceptions. The documents, Annexures R-1 to R-3 are taken on record.

CR No.3518 of 2017

The present revision petition is directed against the impugned order dated 17.04.2017 (Annexure P-4), whereby the application under Order 41 Rule 5 read with Section 151 CPC read with Order 39 Rules 1 and 2 CPC filed by the petitioners for staying the operation of the judgment and decree dated 14.07.2016 had been dismissed.

This Court while issuing notice of motion on 26.07.2017, directed the parties to maintain status quo regarding possession as well as

alienation of the suit property.

Mr. Munish Gupta, learned counsel for the respondent-defendants submitted that it was not only simpliciter suit but counter claim was also filed by the defendants, whereas, appeal has been filed which was not maintainable and appeal is listed for 09.05.2018.

I have heard the learned counsel for the parties and appraised the paper book.

Since the status quo order dated 26.07.2017 is continuing, which reads thus:-

“Learned counsel for the petitioners, inter alia, contends that in view of the nature of controversy and relationship between the parties, petitioners were entitled for an interim injunction in their favour, during pendency of their first appeal. He further submits that if the respondents are not restrained from forcibly dispossessing the petitioners during pendency of their first appeal, their appeal itself would become infructuous and it would cause irreparable loss and injury to the petitioners.

Notice of motion for 06.12.2017.

In the meantime, parties are directed to maintain status quo regarding possession as well as alienation of the suit property.”

I deem it appropriate to dispose of the revision petition by maintaining the status quo order with a direction to the Lower Appellate Court to decide the appeal on the next date of hearing or preferably within a period of one

month thereafter, in accordance with law.

Revision petition stands disposed of.

(AMIT RAWAL)
JUDGE

April 26, 2018
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No