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

**Civil Revision No.3584 of 2018
Date of Decision: 01.08.2018**

JAI DAYAL AND ORS.

.....Petitioners

Vs

JIA LAL

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Ravinder Bangar, Advocate
for the petitioners.

Mr. Tarun Dhingra, Advocate
for the respondent.

RAJ MOHAN SINGH, J. (Oral)

Prayer in this petition is for direction to the trial Court for deciding the Civil Appeal No.459 of 2017 along with stay application and for setting aside the order dated 19.04.2018 passed by the Civil Judge (Sr. Divn.), Kurukshetra.

The order dated 25.05.2018 was passed while relying upon Order 21 Rule 26 CPC to the effect that executing Court has power to stay execution of a decree for a reasonable time in order to enable the judgment-debtor to have an appropriate order from the lower Appellate Court in his pending appeal.

Learned counsel for the petitioners submitted that the appeal along with the application for interim stay is pending before the lower Appellate Court and the application for stay has

not been decided so far.

Learned counsel for the respondent is not in a position to controvert the aforesaid position for want of requisite instructions.

In view of stand taken by learned counsel for the petitioners, this revision petition is disposed of with a direction to the lower Appellate Court to decide the the application for interim stay (if any) pending before it on the date fixed or two weeks thereafter.

It is made clear that the aforesaid order is being passed with an assumption that there is an application for interim stay filed along with the appeal. In case no such application is found to be pending before the lower Appellate Court, the lower Appellate Court would be at liberty to decide the appeal in accordance with law.

Till disposal of the application for interim stay, the protection granted vide order dated 24.05.2018 shall continue. The lower appellate Court shall make every endeavor to decide the appeal itself at the earliest.

August 01, 2018

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No