

Civil Revision No. 4119 of 2018 (O&M)

Date of decision : July 03, 2018

Vishal

.....Petitioner

Versus

Gurcharan Kaur and others

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILLPresent: Mr. Naveen Batra, Advocate
for the petitioner.

LISA GILL, J.

When the matter was taken up for hearing, the sole prayer addressed by learned counsel for the petitioner is that a direction be issued to the learned appellate Court to decide the petitioner's application for stay (Annexure P-4) filed alongwith the appeal preferred by the petitioner challenging decision dated 16.12.2017 and till then dispossession of the petitioner from the demised premises be stayed.

Petition under Section 13 of the East Punjab Rent Restriction Act filed by the respondent was allowed by the learned Additional Civil Judge (Senior Division), SBS Nagar on 16.12.2017 (Annexure P-2). The petitioner filed an appeal challenging the said decision. The appeal is pending before the learned Additional District Judge, SBS Nagar.

It is submitted that a caveat was filed by the respondent as is reflected in order dated 16.01.2018 passed by the learned Additional Sessions Judge, SBS Nagar. However, notice was issued to the caveator who chose not to appear even on the next date i.e. 26.02.2018. Learned counsel for the caveator – respondent No. 1 appeared on 16.05.2018. The matter was adjourned by the learned appellate Court for 03.08.2018. The petitioner's application for stay was not decided and is pending. Execution

petition was, however, filed by respondent No. 1 in February, 2018. Vide order dated 24.05.2018, learned Additional Civil Judge (Senior Division), SBS Nagar has directed issuance of warrants of possession for 07.07.2018. Learned counsel for the petitioner submits that an application for preponment of the hearing of the appeal/stay application shall be moved before the learned appellate Court within three days from today.

Heard, learned counsel for the petitioner.

Keeping in view the limited prayer addressed on behalf of the petitioner, the matter is being decided without issuance of notice of motion to the respondents at this stage, as issuance of notice would unnecessarily delay the proceedings.

The present petition is disposed of with a direction to the learned appellate Court that, in case, such an application for preponment is moved by the petitioner within three days, the application for stay be taken up for hearing and the said application for interim relief be decided after giving sufficient opportunity to the respondent within three weeks thereafter. Till then, dispossession of the petitioner from the demised premises shall remain stayed.

It is clarified that there is no expression of opinion on the merits of the case. The matter needless to say, shall be decided by the learned appellate Court in accordance with law after taking in consideration the facts and circumstances of the case.

July 03, 2018
rts

(Lisa Gill)
Judge

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No