

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No.6455 of 2018(O&M)
Date of Decision: 05.12.2018

Market Committee, Charkhi DadriPetitioner

Versus

Partap Singh and othersRespondents

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Pritam Singh Saini, Advocate
for the petitioner.

Mr. Deepak Vashisht, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J.(Oral)

[1]. The grievance of the petitioner is against the order dated 10.08.2018 passed by the executing Court vide which directions were issued to attach the bank account of the petitioner.

[2]. An appeal arising out of the judgment and decree dated 19.08.2015 passed by the trial Court is pending consideration before the Lower Appellate Court wherein an application for grant of interim injunction is also pending.

[3]. At the time of issuance of notice of motion on 26.09.2018, it was pointed out by learned counsel for the

petitioner that the application for interim injunction has not been decided so far. Taking recourse to Order 21 Rule 26 CPC and on the strength of **Narinder Kumar Vs. M/s M.K. Electronics, 2010(5) RCR (Civil) 697**, this Court directed the executing Court to defer the proceedings for a specified period so as to enable the petitioner to seek appropriate order before the Lower Appellate Court in the pending application for interim injunction.

[4]. Learned counsel for respondent No.1 submitted that on 20.08.2018, the Lower Appellate Court has passed an order wherein readiness on behalf of the judgment debtor to the extent of paying the principal amount was recorded.

[5]. Apparently, the application which was decided vide the aforesaid order dated 20.08.2018 was an application for early hearing of the appeal and the same was declined as the case was already fixed for arguments.

[6]. Be that as it may, this Court is not in a position to appreciate the readiness and willingness of any of the party with reference to order dated 20.08.2018, still the parties would be at liberty to press for the relief arising out of that order before the Lower Appellate Court in due course.

[7]. At this stage, it has been pointed out that the main appeal is already fixed for 03.01.2019 before the Lower Appellate Court. Order dated 26.09.2018 was passed by this

Court only for a specified period so as to enable the petitioner to have an appropriate order in the pending appeal before the Lower Appellate Court, therefore, interim order dated 26.09.2018 will be available to the petitioner upto 03.01.2019. In case, the petitioner does not obtain any interim relief in the pending appeal, benefit of this order shall not be available to the petitioner any more. Lower Appellate Court shall make every endeavour to decide the pending appeal at the earliest.

[8]. Disposed of.

05.12.2018

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**(RAJ MOHAN SINGH)
JUDGE**

**Whether reasoned/speaking
Whether reportable**

**Yes/No
Yes/No**