

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

118

**CR No. 7752 of 2018
Date of Decision 15.11.2018**

VIR SINGH @ BIR SINGH & ANOTHER

..... Petitioners

V/S

MOHINDER SINGH AND ANR

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Amit Dhawan, Advocate for the petitioners.

SUDIP AHLUWALIA J. (ORAL)

1. The grievance of the petitioners, who are the judgment-debtors in this case is that their appeal preferred against the impugned judgment and decree, which is the subject matter of the execution application pending before the Ld. Addl. Civil Judge (Sr. Divn.), Nakodar, was filed more than one year ago, after which, it was assigned for disposal to the Ld. Addl. District and Sessions Judge, Jalandhar, where it first came up for consideration on 11.08.2017. But no order till date has been passed on the stay application filed by the petitioners/judgment-debtors till now, although, more than 19 dates have lapsed in the meantime, and separately the Executing Court passed its impugned order followed by a further order directing issuance of warrant of possession of the decretal premises.

2. *Per se*, the impugned order would not appear to suffer from any illegality or irregularity since there is no bar upon an executing Court to proceed in the absence of any specific stay order from the Appellate Court.

3. However, there is little justification for the petitioner's stay application having been kept pending for more than a year at the appellate stage.

4. Learned counsel for the petitioners submits that now the date

fixed before the Ld. Appellate Court happens to be 28.11.2018.

5. In the given circumstances, this revision is disposed off with a direction upon the Ld. Appellate Court to either decide the appeal finally on the date fixed, and if not possible immediately, then to at least pass a reasoned order on the pending application for stay, and till any such order whether favourable or otherwise is passed by the Appellate Court, the Ld. Executing Court shall not proceed with execution any further.

6. It is further made clear that no adjournment at the instance of the appellant side shall be granted during pendency of the appeal henceforth.

7. The petitioners shall communicate this order to the Ld. Appellate Court at their own risk.

(SUDIP AHLUWALIA)
JUDGE

15.11.2018

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