

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

**CR No.379 of 2019 (O&M)
Date of Decision : 29.01.2019**

Bablu @ Babla

.....Petitioner

Versus

Municipal Committee Pehowa

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Vikram Singh, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

CM No.1267-CII of 2019

Allowed as prayed for.

CR No.379 of 2019

The petitioner in this case is aggrieved that no fruitful order on his stay application filed along with appeal preferred by him in the Court of Ld. District Judge, Kurukshetra as referred to in its impugned order dated 8th January, 2019, was passed and the Ld. Court below mechanically issued notice of the said stay application for 30th January, 2019.

2. Petitioner's contention in this regard is that his entire appeal is liable to be rendered infructuous, if the respondents succeed in altering the condition of the disputed property.

3. Since, the matter is pending before the Ld. Lower Appellate Court tomorrow itself, so in the opinion of this Court issuance of a formal notice upon the respondents at this stage would serve no purpose.

4. Consequently, the matter is disposed off with a direction upon the Ld. Appellate Court to pass an appropriate order on the petitioner's pending stay application as warranted by the situation either tomorrow itself or as soon thereafter as practicable.

5. In the meantime, the parties shall maintain *status quo* re: existing condition of the disputed property, and it will be the responsibility of the petitioner to show the actual position of the property as it exists today by way of appropriate photographs to the Ld. Court below when the matter comes up for consideration before it tomorrow.

6. A copy of this order be given to Ld. Counsel for the petitioner under the signatures of the Bench/Special Secretary of this Court.

January 29, 2019
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No