

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

**CR No. 3739 of 2018
DECIDED ON: FEBRUARY 27, 2019**

ROHIT AGGARWAL

.....PETITIONER

VERSUS

RAKESH MOHAN JAIN AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Sourabh Goel, Advocate
 for the petitioner.

AVNEESH JHINGAN, J (ORAL)

The present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 20.03.2018 passed by Additional District Judge, Panchkula (hereinafter referred to as 'Appellate Court') dismissing the application for granting stay from alienating the property in dispute.

The facts in brief are that petitioner filed a suit for permanent injunction apprehending that respondent No.1/defendant No.1 might enter into an agreement to sell the property in dispute to some other person. Thereafter, a suit for specific performance of agreement to sell dated 16.02.1996 was filed.

Both the suits were dismissed on 29.11.2017. Aggrieved of the judgment and decree dated 29.11.2017, two separate appeals were filed alongwith a stay application. The stay application was dismissed vide impugned order dated 20.03.2018 by the Appellate Court holding that there is no *prima-facie* case and the balance of convenience is not in favour of the petitioner. Hence, the application was dismissed. It was further observed that even, if any alienation is made by the respondents during the pendency of the appeal, the same would be subject to the outcome of the appeal.

After arguing for some time, learned counsel for the petitioner restricted his prayer that while disposing the application for granting stay, the Appellate Court has observed that *prima-facie* case is not in favour of the petitioner, which would affect his right in the appeal.

The contention raised by learned counsel for the petitioner is not well founded.

The observations made by the Appellate Court while disposing of the stay application are not considered as an expression of opinion on the merits of the final case.

Disposed of accordingly.

FEBRUARY 27, 2019
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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>