

109+259

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

**Civil Revision No.5423 of 2017 (O&M)
Date of Decision: 04.02.2019**

VINOD KUMAR

.....Petitioner

Vs

DHARAMPAL AND OTHERS

....Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Munish Kumar Garg, Advocate
for the petitioner.

Mr. Vikas Mohan Gupta, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 01.08.2017 passed by the Addl. District Judge, Hisar, vide which application under Order 41 Rule 5 CPC filed by the petitioner for stay of operation of judgment and decree dated 28.04.2017 was dismissed.

[2]. Plaintiff-Dharam Pal filed a suit for declaration, possession as well as perpetual injunction against the defendant/petitioner and others. The suit was partly decreed by the trial Court vide judgment and decree dated 28.04.2017. The counter claim filed by the defendant/petitioner was dismissed.

[3]. The stand taken by both the parties would be debatable in the context of finding recorded by the trial Court under issue No.6, wherein defendant/petitioner has admitted the possession of the plaintiff.

[4]. Learned counsel for the plaintiff/respondent No.1 submitted that the petitioner is not in possession of the suit property. The appeal before the lower Appellate Court is pending for 05.02.2019.

[5]. In view of facts and circumstances of the case, it would be appropriate to direct the lower Appellate Court to decide the appeal in accordance with law and till then both the parties be asked to maintain *status quo* regarding possession over the suit property. The lower Appellate Court shall make every endeavour to decide the appeal at the earliest preferably within a period of three months from the date of receipt of certified copy of this order.

[6]. With the aforesaid direction, this petition along with all pending civil misc. applications is disposed of.

February 04, 2019

Atik

Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No