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

**CR No.6104 of 2018
Date of Decision: 08.01.2019**

SURESH KUMAR

.....Petitioner

Vs

**DARYAO SINGH KASHYAP AND ANOTHER
....Respondent**

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

Present:Mr. Vineet Chaudhary, Advocate
for the petitioner.

Mr. Parminder Singh, Advocate
for the respondents.

RAJ MOHAN SINGH, J. (Oral)

[1]. Petitioner has preferred this revision petition against the order dated 17.04.2018 passed by the Addl. Civil Judge (Sr. Divn.) Karnal, vide which the objections filed by the judgment-debtor No.1/petitioner in execution of judgment and decree dated 09.03.2017 were dismissed.

[2]. Against the judgment and decree passed by the trial Court, an appeal along with an application for interim order was statedly pending before the lower Appellate Court. Vide order dated 13.09.2018, notice of motion was issued and this Court without giving any opinion in respect of applicability of Section

60(1)(ccc) CPC ordered *status quo* till 16.10.2018 which was the date fixed in the pending appeal before the lower Appellate Court. It was made clear that in case petitioner fails to obtain any interim order from the lower Appellate Court, the rigor of order would automatically vanish away.

[3]. Thereafter on 02.11.2018, the following order was passed by this Court:-

“On 13.09.2018, it was ordered that in case petitioner fails to obtain any interim order from the lower Appellate Court on the date fixed, rigor of the interim order would be automatically vacated and status quo was granted till 16.10.2018 i.e. the date fixed in the pending appeal before the lower Appellate Court.

Today there is no representation on behalf of the petitioner.

In the interest of justice, adjourned to 08.01.2019.

However, it is made clear that in case the petitioner has failed to obtain any interim order from the lower Appellate Court, the order granting status quo on 13.09.2018 would not come to the aid of the petitioner any more.”

[4]. On 02.11.2018, there was no representation on behalf of the petitioner. It was observed that since the petitioner has failed to obtain any interim order from the lower Appellate Court, therefore, order of status quo dated 13.09.2018 would not come to the aid of the petitioner any more.

[5]. At this stage, learned counsel for the petitioner appeared in the case and stated that this petition has become infructuous as the appeal has been decided by the lower Appellate Court.

[6]. In view of above, this petition is rendered infructuous.

January 08, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No