

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

**CR No.2534 of 2019 (O&M)
Date of Decision : 21.05.2019**

Krishan Kumar @ Krishan Kumar Malhotra

.....Petitioner

Versus

Mehma Singh (since deceased) through his LRs

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. G.S. Jagpal, Advocate
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

CM No.7074-C of 2019

Allowed as prayed for.

CR No.2534 of 2019

This is a Revision Petition filed under Article 227 of the Constitution of India, seeking direction upon the Ld. Lower Appellate Court to decide the Petitioner's Stay Application, which is stated to have remained pending for more than five months since 13th December, 2018.

2. Considering the nature of the order this Court intends to pass in this Case, service of notice upon the Respondent would not appear to be necessary, as, such a course could only have the effect of further delaying the proceedings.

3. It may be recalled that earlier in CR No.8347 of 2017, this Court had permitted the Petitioner to file an appropriate Stay Application

before the Ld. Lower Appellate Court, which was thereafter, directed to be dealt with on its own merits independently.

4. The Petitioner filed the requisite Stay Application on 13th December, 2018. It was listed before the Ld. Lower Appellate Court for as many as five dates till 22nd of April, 2019 but was never taken up for consideration.

5. It is submitted on behalf of the Petitioner that the Stay Application is still listed before the Ld. Lower Appellate Court, for consideration on 23rd of this month, which is only two days away, and he apprehends that again it might not be taken up for consideration for one reason or the other.

6. In the given circumstances, the present Revision Petition is disposed off with a direction upon the Ld. Lower Appellate Court to pass an appropriate order on the pending Stay Application dated 13th December, 2018 either on the date already fixed i.e. 23rd May, and if not practicable for any reason, on any adjourned date preferably before closing of the Courts for summer vacation.

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

May 21, 2019

Dpr

(SUDIP AHLUWALIA)
JUDGE

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