

258

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

**Civil Revision No.3391 of 2019
Date of Decision: 13.11.2019**

CHANDGI AND OTHERS Petitioners

Vs

BHURIA AND ANOTHER Respondents

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

Present:None for the petitioner.

Mr. Rajesh Duhan, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 03.11.2018 passed by the Civil Judge (Jr. Divn.) Pehowa and orders dated 09.04.2019 and 03.05.2019 passed by the executing Court.

[2]. Perusal of the record would show that a suit for possession and permanent injunction was decreed in favour of respondent No.1. Defendants were directed to hand over the vacant possession of the suit property within a period of one month from the date of judgment and decree dated 03.11.2018. They were also directed not to lift soil from the suit land.

[3]. Learned counsel for respondent No.1 submitted that

respondent No.2 is only a proforma respondent being co-defendant with the petitioners.

[4]. Learned counsel further submitted that the main appeal along with the aforesaid application is pending before the Lower Appellate Court for 06.12.2019.

[5]. At the time of issuing notice of motion on 22.05.2019, execution of judgment and decree dated 03.11.2018 passed by the trial Court was stayed. However, lower Appellate Court was held to be at liberty to prepone the date of hearing in the misc. application and pass appropriate order in accordance with law.

[6]. The first appeal along with an application for interim stay is pending before the lower Appellate Court. *Ad interim* prayer was declined against which present revision has been preferred.

[7]. In view of aforesaid facts, it would be just and proper to direct the lower Appellate Court to decide the aforesaid application either on the date fixed or soon thereafter preferably within a period of three weeks. Interim order dated 22.05.2019 passed by this Court to continue till then.

[8]. Disposed of.

November 13, 2019

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No