

CR-3556-2019 (O&M)

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

CR-3556-2019 (O&M)

Date of decision : 27.05.2019

Kamaljit Singh Batta

... Petitioner

Versus

Anu Kapoor and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Arun Bansal, Advocate and
Mr. Anubhav Bansal, Advocate
for the petitioner.

AMIT RAWAL, J. (ORAL)

The present revision petition is directed against the impugned order, whereby in the miscellaneous appeal, against the order of the trial Court, declining the application under Order 39 Rules 1 and 2 of the Code of Civil Procedure in a suit for possession by way of partition of House No.3049 Sector 20-D, Chandigarh, while issuing notice, has passed interim order i.e. status quo till next date of hearing.

Mr. Arun Bansal, learned counsel appearing on behalf of the petitioner submitted that as per zimini order dated 10.05.2019, when the appeal was listed and notice was issued to the respondents for 15.05.2019. All the respondents/defendants have been served, except defendant No.2. i.e. petitioner. In the absence of any report, the aforementioned *status quo* could not be granted.

I am afraid the aforementioned argument cannot be pressed into service as the remedy for the petitioner-defendant is to seek the vacation of

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interim stay by placing on record the material as the miscellaneous appeal is still pending, but not in the manner and mode.

Keeping in view the aforementioned facts, the impugned order, under challenge cannot be said to be fallacious and infirm, much less, without jurisdiction and the same is hereby upheld. Resultantly, the present revision petition is disposed of.

This order of mine shall not be construed an expression of opinion on the merits of the appeal.

27.05.2019
Yogesh Sharma

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned **Yes/ No**

Whether Reportable **Yes/ No**