

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CR-3877-2019 (O & M)
Date of Decision:04.06.2019

BHOOP SINGH

...PETITIONER

VERSUS

SHARWAN KUMAR MANGLA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Gorav Kathuria, Advocate
for the petitioner.

MANOJ BAJAJ, J.(ORAL)

Petitioner has invoked inherent powers under Article 227 of Constitution of India to challenge the order dated 21.05.2019 passed by the Appellate Court whereby the application for staying the execution of impugned judgment and decree dated 06.03.2018 (Annexure P-2) passed by the trial Court stands adjourned for 06.08.2019.

It is contended that at the same time, the decree-holder has pressed the execution and the Executing Court has issued warrants of possession on 22.05.2019 (Annexure P-13). He submits that the first appeal carries substantial issues regarding the correctness and validity of impugned judgment passed by the trial Court and in case decree is executed, the said appeal would be rendered infructuous. It is pointed out that the appeal was filed in May, 2018 and after due service the decree-holder is contesting the same.

Considering the nature of the relief claimed, this Court is of the

and it is not necessary to hear him at this stage.

However, it shall be open for the decree-holder to file an application for recalling, if there is any concealment of facts by the petitioner.

Since the appeal is pending and is fixed for 06.08.2019, the execution proceedings are stayed. At the same time, it is ordered that the Appellate Court shall expedite the hearing of the appeal and adjudicate the same either on the date fixed or preferably within next 8 weeks.

Disposed off.

04.06.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No

Whether Reportable : Yes/No