

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

118

CR No. 4391 of 2019 (O & M)
Date of Decision: 18.7.2018

Kailash Chand

.....**Petitioner**

v.

Pardeep Kumar and others

.....**Respondents**

CORAM HON'BLE MS. JUSTICE LISA GILL

Present:- Mr. Vikram Singh, Advocate, for the petitioner

LISA GILL, J.

The present revision has been filed under Article 227 of the Constitution of India seeking stay of execution of the order dated 6.8.2018 (Annexure P-1), during the pendency of stay application dated 29.8.2018 (Annexure P-2) filed in RA No. 27 of 2018 titled as **Kailash Chand v. Pardeep Kumar and others**, pending before the lower Appellate Court.

Learned counsel for the petitioner submits that ejectment of the petitioner from the demised premises was ordered by the learned Rent Controller on 6.8.2018. An appeal was preferred by the petitioner, which came up for hearing on 23.8.2018 before the lower Appellate Court. Notice was issued to the respondent-landlords. An application for stay of operation of the ejectment order was moved along with the appeal. An application for deposit of mesne profits was moved by the respondent-landlords. The learned Appellate Authority has not decided either of the two applications and no interim relief has been afforded to the petitioner. It is submitted that the

remedy of appeal is likely to be nullified as execution proceedings are listed for 26.9.2019 and warrant of possession has been issued.

Heard learned counsel for the petitioner.

This petition is being disposed of without issuance of notice to the respondents in order to avoid any further delay and unnecessary litigation expenses upon the respondents.

In view of the circumstances as above, learned Appellate Authority is directed to decide the applications for stay as well as for mesne profits expeditiously. Till the decision of the application for stay filed by the petitioner, dispossession of the petitioner from the demised premises shall remain stayed. It is, however, clarified that in case of any attempt by the petitioner to delay the decision of these applications, the said relief of stay of dispossession from the demised premises shall no longer remain operative.

Needless to say the respondents are at liberty to move an appropriate application in case of any factual inaccuracy projected before this Court.

(LISA GILL)
JUDGE

18.7.2019

Ashwani

Speaking/Reasoned
Reportable

Yes/No
Yes/No