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

**Civil Revision No.9542 of 2018
Date of Decision: 12.04.2019**

**SMT. MUKHTIAR KAUR (SINCE DECEASED) THROUGH LR'S
& ORSPetitioners**

Vs

FAQIR CHAND & ORSRespondents

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

Present:Mr. Sunil Chadha, Sr. Advocate with
Mr. Chetan Bansal, Advocate
for the petitioners.

Mr. S.M. Wadhera, Advocate
for respondents No.1 to 3.

RAJ MOHAN SINGH, J. (Oral)

[1]. This revision petition has been preferred against the order dated 28.11.2018 passed by the Civil Judge (Jr. Divn.) Ludhiana vide which objections were dismissed.

[2]. In the first appeal filed before the lower Appellate Court, the application under Order 41 Rule 5 CPC was pending consideration. This Court vide order dated 15.12.2018, granted indulgence in favour of the petitioners in terms of Order 21 Rule 26 CPC on the premise that the executing Court has powers to stay execution for a reasonable time so as to enable the judgment-debtor to seeks appropriate order in the pending

appeal.

[3]. The aforesaid order was passed on 15.12.2018 and *status quo* regarding possession over the suit property was ordered to be maintained. In view of the said order, the petitioners were required to argue the application under Order 41 Rule 5 CPC before the lower Appellate Court to seek necessary orders.

[4]. Perusal of the record would show that on 11.01.2019, arguments were not addressed before the Addl. District Judge, Ludhiana and the case was adjourned on the joint request of the parties for 25.02.2019. On 25.02.2019, the case was adjourned to 12.03.2019 as the Presiding Officer was to avail leave. On 12.03.2019 the arguments were not addressed. On the request of the petitioners, the case was further adjourned to 09.04.2019. On 09.04.2019 as well no arguments were made and the case was further adjourned to 26.04.2019.

[5]. The rigor of order dated 15.12.2018 passed by this Court cannot be extended to infinity. The said order was passed keeping in view the pendency of the application under Order 41 Rule 5 CPC as the same was required to be argued by the petitioners within reasonable time.

[6]. It appears that after obtaining the order dated 15.12.2018, the petitioners sought to get the case adjourned

unnecessarily in order to avail benefit of the order dated 15.12.2018 in an illegal manner.

[7]. For the reasons recorded hereinabove, I do not intend to continue the order dated 15.12.2018 any manner. This revision petition is accordingly dismissed. The Appellate Court shall make every endeavour to decide the appeal on the date fixed or within reasonable time thereafter.

April 12, 2019

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Whether speaking/reasoned
Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No
Yes/No