

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

209

CR No.1982of 2020
DATE OF DECISION : 2nd MARCH, 2021

Rajinder Pal

.... Petitioner

Versus

Gurnam Singh and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Vishal Sodhi, Advocate for the petitioners.

None for respondent No.1.

Mr. Ishan Sharma, Advocate for respondent No.2.

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RAJBIR SEHRAWAT, J. (Oral)

CM-10064-CII-2020

The application is allowed as prayed for.

CR No.1982of 2020

The present petition has been filed by the petitioner under Article 227 of the Constitution of India for setting aside the impugned order dated 20.06.2020 (Annexure P-11) passed by the learned District Judge, Rupnagar whereby the application filed by the petitioner for grant of stay under Order 41 Rule 5 CPC has been dismissed.

The counsel for the petitioner submits that the application filed by the petitioner for interim order has been rejected by the lower appellate court during the pendency of the appeal even though the cross-

appeal filed by the petitioner is still pending before that court. At this stage, it is submitted by the counsel for the petitioner that the petitioner would be satisfied if the lower court is directed to take the decision on the cross-appeal filed by the petitioner in a time bound manner.

Although this court does not have the benefit of the assistance on behalf of respondent No.1, however, even the counsel appearing for respondent No.2 is not averse to expeditious disposal of the cross-appeal filed by the petitioner.

In view of the above, it would not be unjustified if the lower appellate court is directed to take a final decision on the cross-appeal filed by the petitioner before that court; within a time bound frame.

Accordingly, the lower appellate court is directed to decide the cross-appeal filed by the petitioner, in accordance with law, within a period of four months from today. It is further ordered that till the decision of the said appeal, the possession of the suit property shall not be taken from the petitioner, if it has already not been taken in the proceedings of the execution.

The petition stands disposed of with above said direction.

2nd MARCH, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

Whether speaking/reasoned:

Yes

No

Whether Reportable:

Yes

No