

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

CR-3441-2021 (O&M)
CM-14571-CII-2021
Date of Decision: 21.12.2021

ASHOK KUMAR MARWAHA AND ANOTHER

...Petitioners

Versus

VINOD KUMAR JASSAL AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Chetan Goel, Advocate
for the petitioners.

ARUN MONGA, J. (ORAL)

Present revision petition is to set aside the order dated 09.11.2021 passed by the Appellate Authority, Chandigarh under the Rent Act, whereby, without giving any finding on the application for staying the operation of order dated 20.09.2021 filed by the petitioners, the appeal has been fixed for 17.02.2022.

2. I have heard learned counsel for the petitioners and gone through the case file.

3. Learned counsel, inter alia, relies on Apex Court judgement rendered in titled 'Mool Chand Yadav and another vs Raza Buland Sugar Company' 1982(3) SCC 484 as well as judgment of this Court in case titled as 'Ashwani Kumar Bindra vs Satish Kumar' (Civil Revision No.8745 of 2017, decided on 13.12.2017).

4. Given the nature of order being passed, there is no necessity to issue notice as no further proceedings and/or pleadings are required.

5. Without commenting on the merits of the case, instant petition is disposed of with a request to the Appellate Authority, subject to exigencies of the work load, that if possible, the next date fixed in the appeal be preponed for the limited purpose of disposing the stay application filed along therewith. If the same is not possible, the Executing Court, as one time measure, shall adjourn the execution proceedings pending before it beyond the date fixed before the Appellate Court.

6. It is made clear that the Appellate Court shall dispose of the stay application on its own merits, in accordance with law and request of this court to prepone shall not, in any manner, be construed as any pointer on the merits thereof.

7. Disposed of accordingly.

December 21, 2021

gurpreet

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No