

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

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CR-1004-2022 (O&M)

Date of Decision : 23.03.2022

Harjit Singh

...Petitioner

versus

Jaswinder Singh and Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jaideep Verma, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Taken up through virtual mode.

Learned counsel for the petitioner would contend that in the present case the petitioner-herein has preferred an appeal before the Lower Appellate Court and vide order dated 26.02.2020 it was recorded that the respondent/decree-holder would not press his execution application for obtaining possession of the property in question in case the appeal is decided on merits within a period of 15 days. The case was thereafter adjourned to 09.03.2020 for the appeal to be taken up on merits. However, due to the intervening situation created due to the COVID-19 Pandemic, the matter was not taken up thereafter. Learned counsel would further contend that meanwhile the Executing Court has issued warrants of possession with police help for 22.04.2022. Learned counsel for the petitioner would further contend that the limited prayer of the petitioner is that the lower Appellate Court be directed to hear and dispose off the application for stay prior to the date fixed by the Executing Court.

Keeping in view the limited prayer made by the learned counsel for the petitioner as well as the fact that earlier a statement had been made by the decree-holder that he would not be pressing the execution in case the appeal was decided in a time bound manner but due to the situation created by the COVID-19 Pandemic the matter could not be taken up, I deem it appropriate to request the lower Appellate Court to take up and decide the application for stay prior to the date fixed by the Executing Court i.e. 22.04.2022.

Disposed off.

March 23, 2022
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(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO