

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

Sr. No.132

CR No.1107 of 2022

Date of decision: 05.04.2022

Deepak Kumar

..Petitioner

Versus

Jagan Nath and others

..Respondents

BEFORE: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Ishan Gupta, Advocate
for the petitioner.

MEENAKSHI I. MEHTA J. (Oral)

By way of the instant revision petition, the petitioner seeks the indulgence of this Court for setting aside/modifying/clarifying the order dated 15.03.2022 (Annexure P-17) passed by the Additional District Judge, Sangrur (for short 'the Appellate Court') in CMA No.147/2021 whereby the application (Annexure P-15), as moved by him on 09.03.2022 for seeking early hearing of the said Appeal in view of the order dated 07.03.2022 (Annexure P-14) passed by the Executing Court for the issuance of the sale warrant qua the properties (as detailed therein), while scheduling the sale thereof on 11.04.2022, has been adjourned to 02.04.2022 and he also prays for staying the further proceedings before the Executing Court and the operation of the order Annexure P-14 as well, till the decision/during the pendency of the above-mentioned Appeal.

Learned counsel for the petitioner has submitted the copy of the order passed by the Appellate Court on 02.04.2022, while adjourning the said application to 11.04.2022 and he contends that this application for early hearing of the said Appeal has not yet been decided and the sale of the properties on 11.04.2022 in pursuance of order Annexure P-14 would result in an irreparable loss to the petitioner.

Keeping in view the fact that the above-referred application (Annexure P-15) has, now, been adjourned by the Appellate Court and the Executing Court, vide order Annexure P-14, has also scheduled the sale of the said properties for the same date, i.e 11.04.2022 and without commenting or expressing any opinion on the merits of the said Appeal as well as the application, the present revision petition is hereby disposed of with a direction to the Appellate Court to decide the afore-said application within a period of one month from the date of this order, positively and till then, the confirmation of the sale by the concerned Executing Court shall also remain in abeyance.

It is further clarified that since this order is being passed without issuing notice in this petition, therefore, it shall be open for the person aggrieved by this order, if any, to move the appropriate application to seek the recalling of the same.

05.04.2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned Yes

Whether Reportable No