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

CR-4400-2022 (O&M)
Date of decision: 12.10.2022

Avtar Singh

... Petitioner

Vs.

Harjinder Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Chandra Sekhar Vaddepati, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Learned counsel for the petitioner submits that a preliminary decree for partition of the suit land was passed on 29.04.2017 against which the petitioner filed an appeal in 2017 before the District Judge, SAS Nagar (Mohali), which is not pending along with an application for staying the judgment and decree dated 29.04.2017.

On a Court query, learned counsel submits that for a period of five years, since when the appeal is pending, no stay was granted by the lower appellate Court.

A perusal of the impugned order dated 15.09.2022 shows that the petitioner did not choose to appear before the Executing Court and he has already been proceeded against ex-parte. It is only thereafter the Executing

Court has issued warrants of possession.

At this stage, the Court is not inclined to interfere in the impugned order and deem it appropriate to direct the lower appellate Court, where the appeal filed by the petitioner challenging the judgment and decree dated 29.04.2017 is pending, to dispose of the appeal/application for stay within a period of 30 days from today.

Disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

12.10.2022
vishnu

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No