

225 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-16436-2018
Decided on:-22.11.2022

RenuPetitioner

vs.

Bishamber Dayal and anr.Respondents.

CORAM:HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Nitin Jain, Advocate,
for the petitioner.

Mr. Ajay Jain, Advocate,
for the respondents.

HARKESH MANUJA J. (Oral)

By way of present revision petition, challenge has been made to an order dated 15.12.2018 (Annexure P-12) passed by the learned Additional District Judge, Hisar, whereby prayer made in an application under Order 41 Rule 5 of the CPC for staying the operation of judgment and decree dated 02.08.2018 passed by the trial court, was declined.

This Court, vide order dated 07.01.2019 issued notice to the respondents, besides, directing the parties to maintain *status quo*.

Today, the matter has been taken up for final hearing.

Both the learned counsel for the parties are *ad idem* that instead of deciding the present revision petition on merits, least it may prejudice the right of any of the parties in the first appeal, which is pending before the learned Additional District Judge, Hisar, it may be in the fitness of things and in the interest of justice to request the first Appellate Court to decide the appeal on merits without being influenced by the observation made in the

impugned order dated 15.12.2018.

In view of the above, a request is made to the first Appellate Court, so as to decide the Civil Appeal titled as “Renu Vs. Bishambar Dayal etc.” bearing CNR No.HRHS030074112018, which is now fixed for 05.12.2022. The learned first Appellate Court may decide the above mentioned first appeal as per its convenience and schedule at the earliest.

In the meanwhile, the interim order dated 07.01.2019 shall remain operative.

Disposed of accordingly.

22.11.2022
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/ No