

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

Sr. No.130

CR-234-2023

Date of Decision: 22.08.2023

MANJIT KAUR @ RANI THROUGH HIS LRS

...Petitioners

Versus

RAGHU KHOSLA AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS JUSTICE ARCHANA PURI

Present:- Mr. R.S.Chauhan, Mr. Rohit Sapehiya and
Ms. Deepika Chauhan, Advocates
for the petitioner(s).

Mr. V.K.Sandhir, Advocate
for the respondents.

ARCHANA PURI, J. (Oral)

The petitioner(s) has invoked the jurisdiction of this Court under Article 227 of Constitution of India, for issuance of appropriate direction to learned Lower Court, for deciding the stay application dated 07.12.2022 (Annexure P-4), filed under Order 41 Rule 5 read with Section 5 of CPC.

It is submitted by learned counsel for the petitioner(s) that an application for stay, which was filed along with the appeal, to challenge the order dated 10.10.2022, passed on an application under Order 9 Rule 13 CPC, an application for grant of stay was also filed, but however, no order has been passed on the stay application by learned Lower Appellate Court.

Simultaneously, the respondents are also pursuing the execution filed and

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warrant of possession has been ordered to be issued against the property of the present petitioner(s).

The appeal is stated to have been filed on 07.12.2022 and the pendency of the application for stay, as such, is causing constraint upon the rights of the petitioner(s), whose rights, *vis-a-vis*, the property in question are jeopardized on account of issuance of warrant of possession. Even, it is submitted that the respondents have been proceeded against *ex parte* before learned Lower Appellate Court and even then, no order relating to the stay application has been passed.

In the given circumstances, learned Lower Appellate Court shall look into the matter and dispose of the application for grant of stay, expeditiously, if not the main appeal.

Mr.V.K.Sandhir, Advocate, has made appearance on behalf of respondent No.1 and filed Power of Attorney, which is taken on record.

Learned counsel for respondent No.1 also undertakes to make appearance on 15.09.2023 i.e. the date already fixed before learned Lower Appellate Court.

In view of the aforesaid terms, the instant revision petitions stands disposed of.

(ARCHANA PURI)
JUDGE

22.08.2023
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Whether speaking/reasoned : Yes
Whether reportable : Yes/No