

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CM-19816-CII-2023 in/and
CR-1338-2023 (O&M)

Date of Decision : 31.10.2023

Ashok Kumar and another

.....Petitioners

Versus

Rukmani Devi and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mt. Tanmoy Gupta, Advocate
for the non-applicants/petitioners.

Mr. N.C. Manchanda, Advocate
for the applicant/respondent No.1.

NAMIT KUMAR, J. (ORAL)

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Prayer in the instant application filed under Section 151 of CPC is for disposal of the main revision petition as the learned lower Appellate Court has decided the appeal filed by the petitioner vide judgment dated 21.07.2023.

For the averments made in the application, the same is allowed and the main case is taken up on board today itself, which is pending for 14.11.2023.

CR-1338-2023

1. The challenge in the instant revision petition is to the order dated 23.02.2023 passed by learned Additional District Judge, Gurugram whereby an application dated 26.08.2022 seeking

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clarification regarding status of temporary stay order passed on 05.05.2018 passed by learned Additional District Judge, Gurugram has been disposed of.

2. On the last date of hearing, the following order was passed:-

“Mr. Subham Aneja, Advocate has put in appearance on behalf of respondent No.1 and filed his power of attorney which is taken on record.

Learned counsel for the petitioner has produced order dated 11.07.2023 passed by the Court of learned Additional District and Sessions Judge, Gurugram which reads as under :-

“Matter was fixed up for awaiting order. The counsel for appellants produced copy of order dated 16.05.2023 wherein the interim order qua alienation of the suit property has been ordered to continue. In this regard the counsel for the appellants has vehemently requested that he is ready to argue on the appeal but proxy counsel for the respondent No.1/plaintiff No.1 has requested and sought for a short adjournment on the ground of unavailability of his main counsel.

Heard.

In view of request made by respondent No.1 and moreover the matter has been already subjudice before Hon’ble Punjab and Haryana High Court, now to come upon 20.07.2023 for awaiting order and if no stay is granted qua proceedings of the appeal, the matter shall be heard finally”.

Learned counsel for the parties submit that they shall argue the matter on the next date of hearing before the First Appellate Court.

It is clarified that there is no stay by this Court with regard to the proceedings pending before the lower Appellate Court and therefore, the matter may be proceeded with on the next date of hearing and efforts should be made to dispose of the appeal at the earliest.

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*Till then the interim order dated 01.03.2023 with regard to alienation of the suit property shall continue.
Adjourned to 14.11.2023.”*

3.
- Learned counsel for the petitioner submits that since the appeal filed by the petitioner has been allowed by learned lower Appellate Court vide judgment dated 21.07.2023, therefore, the present revision petition has been rendered infructuous.
4.
- Disposed of has having become infructuous.

31.10.2023
Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No