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

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Date of decision : 13.07.2023

KASHMIR KAUR AND ANOTHER

..... Petitioners

Versus

RAJ KUMAR SINCE DECEASED THROUGH LRS AND ANOTHER

..... Respondents

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. Avnish Mittal, Advocate
for the petitioners.

AMARJOT BHATTI J. (ORAL)

1. Petitioners - Kashmir Kaur and Gurdip Singh (now represented through legal heirs) have filed petition under Article 227 of the Constitution of India praying for issuance of appropriate directions to learned District Judge, Patiala to decide the stay application pending in Civil Appeal No. 306 of 2022 titled “Kashmir Kaur and another versus Raj Kumar and others”.

2. The learned counsel for the petitioners argued that the suit filed by Raj Kumar (now represented through legal heirs) and others for specific performance for agreement to sell was decided by learned Civil Judge (Junior Division), Patiala vide judgment dated 07.09.2022 (Annexure P-1). Kashmir Kaur and others preferred Civil Appeal No. 306 of 2022. Copy of grounds of appeal is Annexure P-2. In the said appeal, Kashmir Kaur and others also filed application under Order 41 Rule 5 of CPC to stay the operation of impugned judgment and decree dated 07.09.2022. Copy of application is Annexure P-3. Reply to the said stay application is Annexure P-4. In fact, the present petitioners have also filed

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written arguments before the learned Additional District Judge, Patiala which is Annexure P-5. Despite this, the stay application has not been disposed of by learned Additional District Judge, Patiala.

3. I have considered the arguments advanced by learned counsel for the petitioners. I have also gone through the aforesaid documents. The learned counsel for the petitioners have also produced downloaded copies of interlocutory orders which reflects that application under Order 41 Rule 5 CPC is pending for arguments since 31.01.2023. Thereafter, the learned Additional District Judge, Patiala passed the order that the arguments in the main appeal as well as in the said application will be heard together. The record relied upon by the learned counsel for the petitioners indicates that reply to stay application is filed. Even the written arguments have been produced. The stay application involves matter of urgency, therefore, it is required to be decided on priority basis. Therefore, considering these facts, the learned Additional District Judge, Patiala is directed to dispose of the application filed under Order 41 Rule 5 read with Section 151 of CPC within one month from the date of this order after giving notice to the opposite counsel, as per law.

The civil revision is accordingly, disposed of.

(AMARJOT BHATTI)
JUDGE

13.07.2023

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No