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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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Decided on : 06.09.2023

Raj Kamal

. . . Petitioner(s)

Versus

Gian Kaur (Since Deceased) Through LR

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sandeep Arora, Advocate
for the petitioner(s).

SANJAY VASHISTH, J. (Oral)

1. Mr. Anil Saini, Advocate for Mr. Munish Gupta, Advocate, puts in appearance on behalf of the respondent, and files his *Vakalatnama*, in Court today, which is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

2. On 25.07.2023, following order was passed:-

*“Present : Mr. Sandeep Arora, Advocate
for the petitioner.*

Present petition has been instituted against the order dated 31.05.2023, whereby the Executing Court has issued warrants of sale of his property.

Learned counsel for the petitioner argued that the appeal filed against the judgment and decree passed by the trial Court, which is subject matter before the Executing Court is pending adjudication before the First Appellate Court i.e. learned District Judge, Hoshiarpur and is now fixed for 11.08.2023.

He further submits that learned Appellate Court is neither deciding the application for stay; nor deciding the appeal finally. The right of appeal of the petitioner gets

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prejudiced once, the property in question is sold out without any decision in the appeal or in the stay application.

Notice of motion for 06.09.2023.

Till the next date of hearing, warrants of sale of property of the petitioner shall remain in abeyance.

It would be expected that subject to the completion of service upon the respondents, Appellate Court would either decide the application finally or the appeal itself before the date fixed before this Court.

A copy of this order be forwarded to the learned District Judge, Hoshiarpur through e-mail by the Registry of this Court. To be shown in the urgent list.”

3. Mr. Sandeep Arora, learned counsel for the petitioner submits that the proceedings in the appeal have been finalized, therefore, present revision petition has been rendered infructuous, and thus, same may be disposed of as such.

4. Disposed of, as having been rendered infructuous.

**(SANJAY VASHISTH)
JUDGE**

September 06, 2023

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No