

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

Sr. No.295**CR-4266-2023 (O&M)
Date of decision: 06.09.2023****MAKHAN SINGH****.....Petitioner****versus****BHUPINDER SINGH****.....Respondent****CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR**

Present: Mr. Raman Kumar, Advocate for
Ms. Satpreet Grewal Kapila, Advocate
for the petitioner.

NAMIT KUMAR, J. (ORAL)

The instant petition has been filed by the petitioner under Article 227 of the Constitution of India for setting aside the impugned order dated 17.05.2023, passed by the Court of learned Civil Judge (Junior Division), Patiala.

Mr. Kanwarjit Singh Pruthi, Advocate has caused appearance on behalf of the respondent and filed his power of attorney and the same is taken on record.

On 31.07.2023, while issuing notice of motion, the following order was passed:-

“The instant revision petition has been filed by the petitioner impugning the order dated 17.05.2023 passed by learned Civil Judge (Junior Division), Patiala and order dated 14.07.2023, whereby warrants of possession have been issued.

Learned counsel for the petitioner/tenant, inter alia, contends that against the judgment dated 24.11.2022 passed by the learned Rent Controller, Patiala, whereby, the eviction petition filed by the respondent/landlord has been accepted and it has been directed to handover the vacant possession of the demised property/house within a period of 02 months, the petitioner/tenant has filed an appeal before the Appellate Court, Patiala along with the stay application in which notice has been issued and the same is still pending consideration and is now fixed for hearing on 12.09.2023. She further submits that if the judgment

dated 24.11.2022 is executed, the whole purpose of filing the appeal would be frustrated.

Notice of motion returnable on 06.09.2023.

Process ‘Dasti’ as well.

Execution proceeding shall remain stayed till the next date of hearing.”

Learned counsel(s) for the parties are *ad idem* that they shall conclude their arguments in the appeal before the Lower Appellate Court on 12.09.2023.

Consequently, the present petition is disposed of with a direction to the Lower Appellate Court to decide the appeal within a period of two months. However, till the final disposal of the appeal, the execution proceedings shall remain stayed.

(NAMIT KUMAR)
JUDGE

06.09.2023
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>