

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

**Civil Revision No. 4651 of 2023(O&M)
Date of Decision: 18.08.2023**

Ranjit Singh**...Petitioner****Versus****Gursharan Singh****...Respondent****CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH**

**Present:- Mr. Balbir Singh Jaswal, Advocate
For the petitioner.**

KARAMJIT SINGH, J.

1. The counsel for the petitioner submits that the suit filed by the respondent for possession of the suit property has been decreed by the learned trial Court against the petitioner vide judgment dated 15.02.2023. Being aggrieved, the petitioner has filed the appeal in the Court of Additional District Judge, Amritsar. Along with the appeal, the petitioner also filed an application seeking stay of the impugned judgment dated 15.02.2023. The respondent failed to appear in the Appellate Court despite due service and consequently he has been proceeded against *ex parte* in the appeal vide order dated 29.05.2023. However, the first Appellate Court has not passed any order on the stay application filed by the petitioner despite the fact that respondent is already proceeded against *ex parte*. However, in the meantime, respondent has filed an application for execution of judgment and decree dated 15.02.2023 wherein the Executing Court has issued the warrants of possession with a direction to hand over the possession after breaking open the locks and the next date fixed in the execution application is 21.08.2023. The counsel for the petitioner further submits that if the

respondent succeeds in getting possession of the property in dispute on the basis of aforesaid warrants of possession, the filing of the appeal wherein respondent is already *ex parte* would be rendered infructuous. So, prayer is made that direction be given to the Appellate Court to decide the stay application filed by the petitioner in a time bound manner.

2. In view of the above, the present petition is hereby disposed of without entering into the merits of the case with a direction to the Appellate Court concerned to decide the stay application filed by the petitioner on the next date fixed in the appeal or within 07 days thereafter and in the meantime warrants of possession are to be kept in abeyance till the disposal of the stay application.

6. Since the respondent has been proceeded *ex-parte* before the Appellate Court and keeping in view the nature of order being passed, no notice is required to be issued to the respondent. However, if he still feels dis-satisfied with this order, he may move an application to recall the same.

18.08.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No