

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCR-5894 of 2023(O&M)
Date of Decision: 05.10.2023

Sohalpreet Singh

...Petitioner

Versus

Partap Singh

...Respondent

CORAM :HON'BLE MR. JUSTICE KARAMJIT SINGH

Present:- Mr. Chetan Kapoor, Advocate
For the petitioner.

KARAMJIT SINGH, J.

1. The present civil revision petition has been filed by the petitioner for setting aside of order dated 31.08.2023 passed by the Executing Court whereby the objections filed by the petitioner/ JD have been dismissed in execution No. 58 of 2020 titled Partap Singh Vs. Sohalpreet Singh.

2. The counsel for the petitioner submits that the aforesaid execution application is filed by the respondent on the basis of *ex-parte* decree dated 07.01.2020 passed by the Court of Additional Civil Judge (Sr. Divn.), Rajpura. It is further submitted that the petitioner has already filed an appeal against the said *ex-parte* judgment and decree and the same is pending before the First Appellate Court and the application seeking stay regarding operation of the *ex-parte* judgment is also pending in the said Court along with the main appeal. The counsel for the petitioner further submits that simultaneously execution proceedings are also going on and in case the respondent succeeds in getting possession of the suit property, then

the very purpose of filing the appeal will be frustrated. So, prayer is made that the petitioner will be satisfied if the possession of the petitioner over the suit property is protected till the decision of the stay application which is pending before the First Appellate Court.

3. In light of the above, the present petition is hereby disposed of without commenting on the merits of the case and the parties are directed to maintain *status quo* with regard to possession over the suit property till the disposal of injunction application filed by the petitioner along with his appeal in the First Appellate Court. The First Appellate Court is hereby directed to make sincere efforts to decide the said injunction application on the next date fixed or within 07 days thereof, in accordance with law.

05.10.2023

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(KARAMJIT SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No