

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.121+294

Case No. : CR-5346-2022 (O&M)

Date of Decision : August 07, 2023

Jagtar Singh @ Tara Singh (deceased)
through his LRs Petitioners

vs.

Hoshiar Singh and others Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Nikhil K. Chopra, Advocate
for the applicants/petitioners.

Ms. Sukhan Rangi, Advocate
for Mr. S. S. Rangi, Advocate
for respondents no.1 to 3.

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GURBIR SINGH, J. :

1. **CM-13355-C-II-2023** : This is application under Section 151 CPC for directing the learned Executing Court to adjourn the matter beyond the date fixed in the present case.

2. Learned counsel for the applicants submits that after passing of final decree, the applicants/petitioners have also preferred an appeal before the learned Appellate Court and the same is pending for 10.08.2023. So, directions be issued to the learned Executing Court to adjourn the matter.

3. **Main Case** : On the other hand, learned counsel appearing for respondents no.1 to 3 submits that notice of motion was issued only to settle the dispute, pursuant where to, respondent no.1-Hoshiar Singh personally appeared in the Court on 11.01.2023 and stated that he was not inclined to

settle the matter. So, the petition no more survives.

4. Heard.
5. Vide order dated 13.12.2022, notice of motion was issued in the main petition, relevant extract of which is as under :-

“Notice of motion for 22.12.2022 only to explore the possibility, if the respondents are ready and willing to settle the matter by taking appropriate compensation rather demolishing the house of the petitioners.”

6. Notices were issued and respondents no.1 to 3 appeared through their counsel. On 11.01.2023, respondent no.1-Hoshiar Singh was personally present in the Court, where he submitted that he was not inclined to settle the matter.
7. Since notice of motion was only with regard to explore the possibility of compromise but the other party is not ready to settle the matter and appeal against the order passed by the learned Executing Court is also pending, no further order is required to be passed in the present petition. The present revision petition is devoid of any merit and the same is accordingly dismissed. The Appellate Court shall pass the order on merit without being influenced by any averment made herein-above.
8. Pending applications, if any, shall stand disposed of along with this judgment.

August 07, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.