

116.

2023:PHHC:164644

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

CR-7717-2023

Date of decision: 20.12.2023

Jasmer Singh

.... Petitioner

Versus

Surinder Singh

.... Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Munish Gupta, Advocate, for the petitioner.

GURBIR SINGH, J. (Oral)

1. Prayer in this revision petition filed under Article 227 of the Constitution of India is for issuance of appropriate directions to the learned Appellate Court to decide stay application filed in Civil Appeal No.322 of 2022 by the petitioner-defendant.

2. Briefly stated, the respondent-plaintiff filed a suit for possession by way of specific performance of agreement to sell and for permanent suit. Vide judgment and decree dated 29.08.2022, said suit was decreed in favour of the plaintiff. The petitioner-defendant went in appeal and also filed an application for stay and another application under Order 41 Rule 27 read with Section 151 CPC. During pendency of appeal, execution was filed by the respondent-plaintiff.

3. It is submitted that since no stay has been granted by the learned appellate Court, draft sale deed has been filed by the plaintiff, to which, objections have also been filed by the petitioner and the execution petition is

pending for 09.01.2024. The appeal is pending for 30.01.2024. It is submitted that though the respondent appeared in appeal, but he is not filing reply to his applications. It is further submitted that till his applications in appeal are not decided, the Executing Court be restrained from further proceeding with the execution.

4. Having heard learned counsel for the petitioner and without commenting on the merits of case, the present revision petition is disposed of with a direction to the learned appellate Court to decide the application of the petitioner for grant of stay in accordance with law on the next date fixed in the appellate Court or within a week thereafter positively. The Executing Court shall not proceed with the execution till disposal of stay application.

(GURBIR SINGH)
JUDGE

December 20, 2023

sanjeev

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No