

130.

2024:PHHC:037255

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Civil Revision No.1557 of 2024

Date of Decision: 13.03.2024

Prehlad

... Petitioner

Versus

Sunita Devi and others

... Respondents

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. Kamal Chaudhary, Advocate, for the petitioner.

GURBIR SINGH, J. (Oral)

1. Present revision petition has been filed under Article 227 of the Constitution of India for issuance of direction to the learned Appellate Court, Faridabad to decide the stay application filed by the petitioner-defendant No.1 along with appeal, in a time bound manner.
2. In a suit filed by respondents No.1 and 2-plaintiffs for mandatory injunction and mesne profits, vide judgment and decree dated 09.01.2024 passed by the trial Court, petitioner along with pro forma respondents No.3 and 4 herein (defendants in the suit), were directed to hand over the vacant possession of portion of house, in question, within a period of three months. However, mesne profits were not granted. Against the said decree, defendant No.1-Prehlad filed appeal along with an application for staying the operation of judgment and decree passed by the trial Court. Notice in the appeal and application for stay was issued on

25.01.2024 for 07.02.2024, on which date, respondents No.1 and 2 appeared and the case was adjourned to 14.08.2024 for arguments on merits in appeal.

3. Learned counsel for the petitioner would contend that without passing any order on the stay application, case was adjourned for a long date. It is submitted if the stay application is not adjudicated in time, he would suffer irreparable loss. Learned counsel submits that at this stage, petitioner would be satisfied if his application for stay is decided expeditiously in a time bound manner.

4. I have heard the submissions of learned counsel for the petitioner and have gone through the file.

5. Without commenting anything on the merits of the case, present revision petition is disposed of with a direction to the learned Appellate Court to decide the application filed by the petitioner-defendant No.1 for staying the operation of the impugned judgment and decree dated 09.01.2024 within a period of one month, in accordance with law. The Court may, if necessary, prepone the matter after giving notice to the other party through counsel.

(GURBIR SINGH)
JUDGE

March 13, 2024
sanjeev

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No