

Shashi Saxena

...Petitioner

Versus

Mohit Narang

...Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr. J.K. Khetarpal, Advocate
for the petitioner.

GURBIR SINGH, J. (ORAL)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 02.03.2024 (Annexure P-11) passed by the Ld. Civil Judge (Jr. Division)-cum-Executing Court, Ludhiana whereby warrant of possession has been issued despite the fact that appeal against the eviction order dated 30.09.2023 (Annexure P-2) is still pending for final adjudication.

2. Learned counsel for the petitioner submits that along with appeal an application for staying the operation of the eviction has been filed but the same is pending for 08.04.2024 wherein only notice has been issued whereas executing Court has issued warrant of possession. After arguing for some time, learned counsel for the petitioner further submits that petitioner would be satisfied if warrants of possession is stayed till the disposal of the application for stay filed in the appeal against the ejectment order dated 30.09.2023 (Annexure P-2)

3. I have heard the submissions made by the learned counsel for the petitioner and perused the file.

4. Without commenting upon the merits of the case and in the

interest of justice, this petition is disposed of with a direction to the learned Appellate Court to dispose of the application for staying the operation of the impugned order dated 30.09.2023 (Annexure P-2) within a period of one month from the receipt of copy of this order and till the disposal of the stay application, warrant of possession issued on the basis of the ejectment order against the petitioner shall remain stayed.

5. Petition stands disposed of.

20.03.2024
Parveen kumar

(GURBIR SINGH)
JUDGE

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