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

CR-4828-2024

Date of decision: 28.10.2024

Manjit Kaur

...Petitioner

Versus

Shindo

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Kuldeep Singh Ahluwalia, Advocate and
Ms. Jaspreet Kaur, Advocate for the petitioner.

Mr. Ishan Sharma, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 01.12.2023 passed by the First Appellate Court in Civil Appeal bearing No.321 of 2023 titled as “Manjit Kaur and others Vs. Shindo”.

2. On 28.08.2024, this Court had passed the following order:-

“Learned counsel for the petitioner has submitted that against the judgment dated 05.07.2023, the first statutory appeal was filed by the present petitioner which is pending for 03.10.2024 for arguments. It is submitted that during the pendency of the appeal, the stay application was rejected by virtue of the impugned order and on account of the same, the petitioner along with her three children would have to vacate the premises in question. It is prayed that till the time, the appeal is finally decided, the status quo as it exists today with regard to possession be maintained. It is stated that the



petitioner and her children would show all love and respect to the respondent and to prima facie show her bonafide, the petitioner is ready to pay Rs.5000/- per month to the respondent. It is further stated that the petitioner and her children would not restrain the respondent from residing in the premises in question.

Notice of motion for 28.10.2024.

To be shown in the urgent list.

Till the next date of hearing, status quo as it exists today with regard to possession be maintained. The same would be subject to the petitioner paying an amount of Rs.5000/- per month from the month of September, 2024 before the 7th day of said month to the respondent and as undertaken by the petitioner, the petitioner and her children would not restrain the respondent from residing in the house in question.

It is made clear that in case the said amount is not paid every month or the respondent is restrained from entering the house in question, then the interim order is liable to be vacated.

The petitioner is also directed to not take any date in the appeal before the District Judge, Hoshiarpur and be prepared to argue the appeal pending before the District Judge, Hoshiarpur. The Ist Appellate Court is requested to decide the appeal as expeditiously as possible.”

3. Learned counsel for the petitioner has submitted that in pursuance of the abovesaid order, the petitioner has been making payment of Rs.5000/- per month from the date of September, 2024 before 7th of every month to the respondent and is also complying with the other conditions. It has further been pointed out that the main appeal before the First Appellate Court is now listed for 05.11.2024.



4. During the course of arguments, it has been jointly prayed that the present revision petition be disposed of in the following terms:-

- i) The petitioner would keep depositing the amount as undertaken by her on 28.08.2024 and would not restrain the respondent from residing in the house in question. In case of any default, the status quo passed in favour of the petitioner would be liable to be vacated.
- ii) The First Appellate Court is requested to decide the appeal as expeditiously as possible preferably within a period of three months from 05.11.2024 which is the next date of hearing before the First Appellate Court.
- iii) Learned counsel for the petitioner as well as respondent have undertaken before this Court that the petitioner and respondent would fully assist the First Appellate Court in deciding the appeal expeditiously.
- iv) Till the time the appeal is finally decided, the status quo order as it exists today with regard to possession be maintained. The grant of present interim order would not be construed as an expression on the merits of the case and it would be open to both the parties to raise all the pleas as are available to them and the First Appellate Court would decide the appeal independently and in accordance with law.

5. In view of what has been observed above, the present revision petition is disposed of in the abovesaid terms.

28.10.2024

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No