



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

129

CR-5848-2024

Date of decision : 04.10.2024

Gurdial Singh (deceased) through LR's

..... Petitioner

versus

Tarun Kumar and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. G.S. Nagra, Advocate and
Mr. P.S. Chahal, Advocate
for the petitioner.

PANKAJ JAIN, J. (Oral)

1. The petitioner before this Court has filed appeal against decree of recovery dated 24.04.2023. The appeal is stated to be pending before the Additional District Judge, Amritsar. Alongwith appeal, the petitioner filed application seeking stay of the operation of the judgment and decree impugned in the appeal. Both are still pending consideration and the matter is now fixed for 06.11.2024.

2. Counsel for the petitioner submits that in the meanwhile decree holder has initiated execution proceedings and the warrants of the attachment of the property of the petitioner have been issued. Mr. Nagra submits that since the matter is now pending before Appellate Court on 06.11.2024, he will be satisfied if the direction are issued to the Appellate Court to decide the application seeking operation of the impugned judgment and decree filed under Order 41 Rule 5 of the Code of Civil Procedure or the main appeal itself.



3. Finding it to be a fair request, present petition is disposed off with the direction to the Appellate Court i.e. ADJ, Amritsar wherein the civil appeal titled as *Gurdial Singh (deceased) through his LR vs. Tarun Kumar and another* is pending, to decide if not the main appeal at least the application on the next date of hearing i.e. 06.11.2024.

4. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

04.10.2024
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No