



CR-7131-2024

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

(137)

CR-7131-2024

Date of Decision: - 09.12.2024

Amarjit Singh

....Petitioner

Versus

Mohan Singh @ Mohna

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Sandeep Arora, Advocate, for the petitioner.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for quashing/setting aside the impugned order dated 18.05.2024 passed by the Additional Sessions Judge, Hoshiarpur, vide which stay has been granted by the 1st Appellate Court.

2. Learned counsel for the petitioner has submitted that in the present case, the petitioner had filed a suit for permanent injunction in the year 2014 restraining the defendant from raising any sort of construction. It is further submitted that vide judgment and decree dated 12.09.2019, an ex-parte decree was passed in favour of the petitioner and that neither any appeal against the said judgment and decree nor any application under Order 9 Rule 13 CPC for setting aside the said decree has been filed. It is further stated that the petitioner thereafter had filed an execution petition

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in the year 2022 and the respondent had filed the objections which were dismissed vide order dated 05.10.2023. It is submitted that against the said order, the judgment-debtor had filed an appeal and in the said appeal notice has been issued and even stay has been granted vide order dated 18.05.2024 and since the case is now fixed for 03.02.2025, thus, the petitioner would limit his prayer in the present petition to a time bound decision in the appeal filed by the respondent against the said order dated 05.10.2023.

3. Keeping in view the above-said facts and circumstances, the present revision petition is disposed of with a request to the 1st Appellate Court, where the appeal filed by the respondent against the order dated 05.10.2023 is pending, to decide the appeal as expeditiously as possible, preferably within a period of one month from 03.02.2025, which is the next date before the 1st Appellate Court.

4. It is made clear that this Court has not opined on the merits of the case and the 1st Appellate Court would decide the said appeal independently, after hearing all the parties concerned.

December 09, 2024
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No