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

CR-5717-2024

Date of decision: 30.09.2024

Sukhcharan Kaur and another

...Petitioners

Versus

Sukhwant Singh (deceased) through his LRs and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Pradeep Sharma, Advocate for the petitioners.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for issuance of appropriate directions to the Executing Court to proceed with the execution of the judgment and decree dated 13.11.2019 (Annexure P-1) passed by the trial Court in Civil Suit No.248/2017, as per execution petition without further delay.

2. Learned counsel for the petitioners has submitted that in the present case, the petitioners had filed a suit for possession of land measuring 32 kanals 9 marlas which was partly decreed vide judgment and decree dated 13.11.2019 and the respondents/defendants were directed to handover the vacant possession of the suit land within one month from the date of passing of the judgment. It is argued that an appeal was filed against the said judgment and decree on 03.12.2019 but there was no stay granted in



the said appeal.

3. Learned counsel for the petitioners has very fairly submitted that the respondents had filed CR-6547-2023 which was decided on 03.11.2023 by the Coordinate Bench of this Court with the following observations:-

“2. In view of the above without commenting on the merits of the case, the present petition is disposed of with direction to the 1st Appellate Court to decide the first appeal expeditiously and if not possible at least to decide the stay application filed by the petitioner in the said appeal expeditiously preferably within a period of 1 month of the next date fixed in the said appeal and till then status quo is to be maintained over the suit property.”

4. It is submitted that in spite of the abovesaid order passed by the Coordinate Bench of this Court, neither the stay application has been decided nor the main appeal has been decided by the First Appellate Court and the case is now listed for 07.11.2024. It is prayed that in the said facts and circumstances, the petitioner at this stage would limit his prayer for issuance of directions to the First Appellate Court to decide the appeal filed by the respondents which is pending since 2019 on 07.11.2024, which is the next date of hearing or within a time bound manner.

5. Keeping in view the abovesaid facts and circumstances and the limited prayer made on behalf of the petitioners and also keeping in view the order passed by the Coordinate Bench of this Court on 03.11.2023, the present revision petition is disposed of with directions to the First Appellate Court to decide the appeal on 07.11.2024 or within a period of six weeks

therefrom. The counsels appearing on behalf of both the parties are also directed to fully assist the Court in disposing of the said appeal expeditiously.

6. It is made clear that this Court has not opined on the merits of the case and it would be open to the parties to raise all the pleas as are available to them in accordance with law and the First Appellate Court would decide the appeal independently and in accordance with law.

30.09.2024
Pawan

(VIKAS BAHL)
JUDGE

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