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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-5992-2024
Date of decision : 18.10.2024

Narinderpal Singh and another ... Petitioners

Versus

Pooja Wadhwa ... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Ranjit S. Bajaj, Advocate for the petitioners.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for issuance of directions to the Ist Appellate Court in appeal no.RA-9-2023 titled as “Narinderpal Singh and another vs. Pooja Wadhwa” to stay the execution proceedings pending before the Executing Court bearing no.EXE-73-2023 titled as “Pooja Wadhwa vs. Narinderpal Singh and another” during the pendency of the appeal.

2. Learned counsel for the petitioners has submitted that in the rent appeal filed by the petitioners, notice has not been issued, although the counsel for the respondent had appeared on 31.03.2023 itself and the record of the Rent Controller was also summoned. It is submitted that an application for stay of execution proceedings has been filed which fact is apparent from the zimni order dated 31.03.2023. It is further submitted that the appeal is now pending for 14.11.2024 whereas the execution proceedings are pending for 19.11.2024 for considering the objections filed by the petitioners. It is prayed that in such circumstances, the Ist Appellate



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Court, before whom the Rent Appeal no.9 of 2023 is pending, be directed to decide the appeal in a time bound manner or to consider the application for stay, which has not been decided till date, either on 14.11.2024 or within a fixed period. It is submitted that counsel for the petitioners appearing before the Ist Appellate Court undertakes to argue the appeal / application for stay on 14.11.2024.

3. Keeping in view the above said facts and circumstances, the present petition is disposed of with a direction to the Ist Appellate Court to consider the Rent Appeal no.9 of 2023 titled as “Narinderpal Singh and another vs. Pooja Wadhwa” along with stay application on 14.11.2024 and make every endeavour to decide the main appeal as expeditiously as possible. In case the Ist Appellate Court is not able to decide the main appeal within a period of 10 days from 14.11.2024, then the stay application filed by the petitioners along with the Rent Appeal no. 9 of 2023 be considered and decided within a period of one week from 14.11.2024. As undertaken before this Court, counsel for the petitioners appearing before the Ist Appellate Court would not seek any adjournment and would argue the appeal / application for stay, as directed by the Ist Appellate Court. The counsel for the respondent is also requested to fully assist the Ist Appellate Court in deciding the case / stay application, in accordance with the directions passed by this Court.

(VIKAS BAHL)
JUDGE

October 18, 2024.
Davinder Kumar