



CR No.6968 of 2024

-1-

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

136

**CR No.6968 of 2024
Date of Decision: 02.12.2024**

Surjit Singh (since deceased) through LRs

..... Petitioners

Versus

Chamkaur Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Balbir Kumar Saini, 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 learned First Appellate Court to decide the appeal as well as stay application bearing Case No.CMA/50/2024 titled 'Surjit Singh etc. Vs. Chamkaur Singh', pending for 05.12.2024, in a time bound manner.

2. Learned counsel for the petitioner has submitted that against the order dated 06.08.2024, the petitioner had filed an appeal on 06.09.2024 (Annexure P-11) along with an application for stay (Annexure P-12) and in the said appeal, the First Appellate Court vide order dated 06.09.2024, after observing that there were some arguable points involved, had been pleased to issue notice in the appeal as well as in the stay application. It is submitted that the respondent had appeared in the same on 27.11.2024 and the case is now fixed for 05.12.2024. It is further submitted that execution proceedings are also going on and vide order dated 12.11.2024, fresh

**CR No.6968 of 2024****-2-**

warrants of attachment with police help have been issued for 04.12.2024. It is submitted that in the said circumstances, the First Appellate Court be directed to decide the appeal as expeditiously as possible and in a time bound manner and in case for any reason, the same is not decided, at least to consider the stay application filed by the petitioner, expeditiously and in a time bound manner.

3. Keeping in view the above said facts and circumstances of the case, the present petition is disposed of with a direction to the First Appellate Court, where the appeal (Annexure P-11) as well as the stay application (Annexure P-12) against the order dated 06.08.2024 are pending, to decide the same as expeditiously as possible. In case for any reason, the appeal itself cannot be decided expeditiously, then the application for stay (Annexure P-12) be considered and decided as expeditiously as possible and preferably, within a period of two weeks from 05.12.2024.

4. Learned counsel for the petitioner has undertaken to argue the appeal as well as the stay application on 05.12.2024 and also on any other date as directed by the First Appellate Court.

5. It is clarified that this Court has not opined upon the maintainability or otherwise and also on the merits of the case and the First Appellate Authority would decide the same independently, in accordance with law, after hearing all the parties concerned.

02.12.2024*D.Bansal***(VIKAS BAHL)
JUDGE**

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