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

CR-7026-2024 (O&M)

Date of Decision : 16.12.2024

Manjit Kaur & Ors

... Petitioner(s)

Versus

Ramesh Chander Sharma

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Prateek Sodhi, Advocate for the petitioners.

Mr. Shekhar Verma, Advocate for the respondent.

ALKA SARIN, J. (Oral)

1. The present revision petition has been filed by the petitioners herein challenging the order dated 21.11.2024 whereby the application for stay of the judgment and decree dated 20.08.2024 has been dismissed.

2. On 03.12.2024 the following order was passed :

“Learned counsel for the petitioners would contend that during the pendency of the suit before the Trial Court status quo had been ordered. Thereafter, vide judgment and decree dated 20.08.2024 the suit of the plaintiff-petitioners herein was dismissed and the counter-claim for specific performance filed by the defendant-respondent herein was decreed. It is further the contention that alongwith the memorandum of appeal before the First Appellate Court, an application for ad interim injunction was also filed, which has been rejected vide the impugned order dated 21.11.2024 (Annexure P-9). Learned counsel for the petitioners would further contend that, at this stage, he does not press that

operation of the impugned judgment and decree be stayed. However, he prays that status quo as it exists today be maintained during the pendency of the appeal. Notice of motion, returnable 16.12.2024. Dasti as well. The petitioner is at liberty to serve respondent through the counsel representing him before the Court concerned. To be shown in the urgent list.”

3. Mr. Shekhar Verma, Advocate has put in appearance on behalf of the respondent and filed his *vakalatnama*, which is taken on record. The learned counsel for the respondent has pointed out that vide judgment and decree dated 20.08.2024 the counter-claim of the respondent was decreed and it was held that the respondent was in possession of the suit property. Further, the counter-claim was decreed to the extent that the petitioners herein were restrained from interfering in the possession of the counter-claimant-respondent as also for specific performance of the agreement to sell dated 30.03.2019.

4. Learned counsel for the petitioners though disputes the fact that the possession is with the respondent, however, he is not in a position to deny that in the judgment and decree dated 20.08.2024 categorical findings have been returned in favour of the counter-claimant-respondent herein holding him to being in possession of the suit property. He, however, states that he would be satisfied if status quo as it exists today is maintained during the pendency of the appeal before the First Appellate Court.

5. Learned counsel for the respondent states that since he is in possession, he would have no objection to such an order.

6. In view of the above, this Court deems it appropriate to direct that status quo shall be maintained, as it exists today, during the pendency of the appeal before the First Appellate Court concerned.

7. It is made clear that any observation made herein shall not be treated as an expression of opinion on the merits of the case.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

16.12.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO