



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(314)

CR-172-2024 (O&M)

Date of decision: - 10.12.2025

Arun Malik

....Petitioner

Versus

Major Singh and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Bansal, Advocate, and
Mr. Pranav Chamoli, Advocate, for the petitioner.

Mr. Ramesh Kumar Bamal, Advocate
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 21.08.2023 (Annexure P-7) passed by the Additional District Judge, Chandigarh whereby the application filed by the petitioner under Order 41 Rule 5 for staying the operation of judgment and decree dated 20.03.2023 during the pendency of the Civil Appeal No.155 of 2023, has been dismissed.

2. On 23.01.2024, a Co-ordinate Bench of this Court was pleased to pass the following order: -

“Present: Mr. Ashish Bansal, Advocate for the petitioner.

Challenge in the present revision petition is to order dated 21.08.2023, whereby the application under Order 41 Rule 5 CPC has been dismissed pending adjudication of the first appeal preferred by the petitioner.

It is submitted that the sale deed qua the suit property was got executed in favour of the petitioner through Court, in execution proceedings arising from decree dated 03.11.2017, on payment of balance sale consideration of Rs.74 Lakh. It is further submitted that implementation of the subsequent judgment and decree dated 20.03.2023, pending appeal, would result in multiplicity of litigation.

The petitioner prays that the pending appeal, before the first appellate court, be ordered to be disposed of expeditiously, in a time bound manner and till its final disposal the interest of the petitioner be protected.

Notice of motion, returnable for 04.03.2024.

In the meanwhile, the parties are directed to maintain status quo with regard to the suit property till the next date of hearing.

January 23, 2024”

3. Learned counsel for the petitioner has submitted that the main appeal is now listed for arguments on 02.07.2026 and has further submitted that since the said appeal is the first appeal filed by the petitioner, thus, the same be decided as expeditiously as possible and till the said date, the interim order dated 23.01.2024 be continued.
4. Learned counsel for respondent No.1, on the other hand, has submitted that the grant and continuation of the said interim order should not be construed as an expression on the merits of the case and has further submitted that the appeal be decided after considering all the points which have been raised by the respondents also.
5. Keeping in view the above-said facts and circumstances and

the fair stand taken by the learned counsel for the petitioner as well as by the respondent No.1, the present revision petition is disposed of with the following directions/observations: -

- (i) The 1st Appellate Court is requested to decide the Civil Appeal No.155 of 2023, which is stated to be pending for final arguments, as expeditiously as possible.
- (ii) Counsel for all the parties concerned appearing before the 1st Appellate Court are also requested to fully assist the Court in the expeditious disposal of the case.
- (iii) Till the time the said appeal is decided, the interim order dated 23.01.2024 passed by the Co-ordinate Bench of this Court would continue. The grant and continuance of the said interim order should not be construed as an expression on the merits of the case and the 1st Appellate Court would decide the matter independently, in accordance with law and after hearing all the parties concerned.

December 10, 2025
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No