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

CR-1076-2021 (O&M)

Date of Decision : 08.04.2025

Amarjit Singh (deceased) through LR's & Anr. ... Petitioner(s)

Versus

Amrik Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anil Kumar Garg, Advocate for the petitioners.

Mr. Vishal Aggarwal, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present petition has been filed only on the ground that an appeal has been preferred against the judgment and decree dated 28.04.2017 (Annexure P-1), which is not being decided and the Executing Court is proceeding with the matter.

2. It is an admitted position that the appeal itself was dismissed in default on 22.08.2019 and now an application for restoration of the appeal to its original number has been filed alongwith an application for condonation of delay.

3. Learned counsel for respondent No.1 has pointed out that the counsel for the petitioners is repeatedly taking dates before the Appellate Court since there is a stay operating in his favour.

4. Learned counsel for the petitioners has pointed out that respondent No.1 herein was proceeded against *ex parte* in the appeal vide order dated 14.02.2020 and till date the *ex parte* order has not been set aside.

5. I have heard the learned counsel for the parties.

6. Without going into merits of the case, since the application for restoration of the appeal alongwith the application for condonation of delay is pending, this Court deems it appropriate to dispose off the present revision petition with a request to the First Appellate Court to decide the civil miscellaneous application for condonation of delay in filing the application for restoration as expeditiously as possible. In case the appeal is restored the same be also decided expeditiously in accordance with law. However, till the decision thereof, the proceedings before the Executing Court shall remain stayed.

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

08.04.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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