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

CR-7387-2025 (O&M)

Date of decision: 20.11.2025

Mukhtiar Singh

...Petitioner

Versus

Shri Bhagwan

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hritik Gupta, Advocate for the petitioner.

Mr. Anil Gahlawat, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 20.03.2025 (Annexure P-1) passed by the Appellate Authority, Bhiwani.

2. On 15.10.2025, this Court had passed the following order:-

*“Present:- Mr. Ajay Kumar Gupta, Advocate, and
Mr. Hritik Gupta, Advocate for the petitioner.*

Inter alia, contends that in the present case, against the eviction order dated 02.11.2023, the petitioner had filed an appeal along with the stay application and on 23.11.2023, the 1st Appellate Authority was pleased to issue notice on the said appeal as well as in the application for stay under Order 41 Rule 5 read with Section 151 CPC. It is submitted that on 03.01.2024, counsel for the respondent had appeared and the service was



completed and thereafter, the matter has been adjourned for final arguments. It is argued that now the case is fixed for 17.11.2025 for arguments on merits, whereas, in the meanwhile the respondent had filed an execution and warrants of possession have also been issued. It is further argued that the said warrants of possession have not been executed and the petitioner is still in possession. It is submitted that the application for stay which was filed has been dismissed vide impugned order dated 20.03.2025 without any cogent reasons and in case the possession of petitioner is not protected during the pendency of the first appeal, the petitioner would suffer irreparable loss. It is further submitted that the petitioner undertakes to argue the main appeal on 17.11.2025 or any other which the 1st Appellate Court would direct the petitioner to argue.

Notice of motion for 20.11.2025.

Liberty is granted to the petitioner to serve the respondent through dasti process as well as through the counsel in the 1st Appellate Court.

Till the next date of hearing, status quo with respect to possession, as it exists today, shall be maintained.

To be taken up in the urgent list.

October 15, 2025”

3. Learned counsel for the petitioner has submitted that the case before the First Appellate Court is listed on 18.12.2025 for arguments and the petitioner undertakes to argue the same on the next date of hearing or on any other date on which the First Appellate Court directs the petitioner to argue the matter. It is submitted that the interim order granted by this Court on 15.10.2025 be continued till the decision in the said appeal.

4. Learned counsel for the respondent has submitted that in case interim order is to be continued then same should not be construed as an expression of opinion on the merits of the case and the First Appellate Court



should decide the appeal filed by the petitioner independently in accordance with law after taking into consideration all the arguments raised by both the parties.

5. Keeping in view the abovesaid facts and circumstances and fair stand taken by learned counsel for the petitioner as well as learned counsel for respondent and also the fact that the appeal filed by the petitioner is pending for 18.12.2025, the present revision petition is disposed of with the following observations/directions:-

- i) As undertaken before this Court, the counsel for the petitioner and the respondent before the First Appellate Court would be ready to argue the main appeal on 18.12.2025 or on any other date on which the First Appellate Court directs them to argue the same. The First Appellate Court is requested to decide the abovesaid first appeal filed by the petitioner as expeditiously as possible.
- ii) Till the time the first appeal is not decided, the order dated 15.10.2025 would continue. Grant as well as continuance of the said order would not be construed as an expression of opinion on the merits of the case and the First Appellate Court would decide the first appeal independent of the observations made in the same, after hearing both the parties concerned.

6. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

20.11.2025

Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No