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

(284)

CR-2316-2020 (O&M)

Date of decision: - 09.02.2026

Daya Ram and another

....Petitioners

Versus

Nirmala Rao

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Rakesh Dhiman, Advocate
for the petitioners.

Mr. Viren Jain, Advocate
for the respondent.

VIKAS BAHL, J. (ORAL)

1. Present civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 11.09.2020 passed by the Additional District Judge, Nuh, vide which the application filed by the present petitioners/defendants has been dismissed.

2. On 28.09.2020, a Co-ordinate Bench of this Court was pleased to pass the following order: -

“Present:- Mr. Rakesh Dhiman, Advocate for the petitioner.

Notice of motion for 02.11.2020.

Notice re: stay also.

In the meanwhile, execution of the decree dated 29.01.2020 passed by learned Civil Judge (Junior Division), Nuh



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*(Mewat) shall remain stayed, **till the next date of hearing.***

September 28, 2020”

3. Learned counsel for the petitioners has submitted that the first appeal filed by the petitioners against the judgment and decree dated 29.01.2020 is pending for adjudication and the same is now fixed for 10.04.2026. It is further submitted that the petitioners have also filed an application under Order 41 Rule 27 read with Section 151 CPC on 10.05.2024 and as per his instructions, the reply has not been filed till date. It is also submitted that the interim order 28.09.2020 be continued and the counsel for the petitioners would be ready to argue the main appeal itself along with the application under Order 41 Rule 27 read with Section 151 CPC on 10.04.2026 or any other date on which the 1st Appellate Court would direct the counsel to argue.

4. Learned counsel for the respondent has submitted that the grant and continuance of the said interim order should not be construed as an expression on the merits of the case and as per his instructions, reply to the application under Order 41 Rule 27 read with Section 151 CPC has already been filed by the respondent, but in case the same has not been done, the same would be filed within a period of one month from today and the counsel appearing for the respondent before the 1st Appellate Court would also be ready to argue the matter on 10.04.2026. It is stated that it is a matter of settled law that the application under Order 41 Rule 27 read with Section 151 CPC has to be decided along with the main

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appeal only and thus, the main appeal along with the said application be considered together.

5. Learned counsel for the petitioners has no objection to the said course of action.

6. Keeping in view the above-said facts and circumstances and the fair stand taken by the learned counsel for the petitioners as well as by the learned counsel for the respondent, the present revision petition is disposed of with the following directions/observations: -

- (i) The interim order dated 28.09.2020 passed by the Co-ordinate Bench of this Court would continue till the time the main appeal is decided. The grant and continuance of the said interim order should not be construed as an expression on the merits of the case and it would be open to the parties to raise all pleas which are available to them before the 1st Appellate Court, which would decide the appeal independently, in accordance with law.
- (ii) The respondents, if have not filed the reply to the application under Order 41 Rule 27 read with Section 151 CPC, would file the same within a period of one month from today by moving an application before the 1st Appellate Court. In case the reply is not filed within the aforesaid period, then, it would be deemed that the respondents do not wish to file any reply to the said application.
- (iii) As undertaken before this Court, both the counsel would be

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ready to argue the main appeal as well as the application under Order 41 Rule 27 read with Section 151 CPC, which, as per the settled law, has to be decided along with the main appeal, on 10.04.2026 or on any other date which the 1st Appellate Court would require the counsel to argue.

- (iv) Since the appeal is of the year 2020, the 1st Appellate Court is requested to decide the said appeal as expeditiously as possible.

February 09, 2026
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(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No