

2026:PHHC:083960



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

123

CR-4520-2026

Date of decision :27.05.2026

DARSHAN SINGH

... PETITIONER

VERSUS

GURSEWAK SINGH AND ANR

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Lakhwinder S. Sidhu, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The present civil revision petition has been preferred under Article 227 of the Constitution of India by the petitioner-defendant No. 1 seeking a direction to prepone the date fixed in Civil Appeal bearing No. CA/48/2026 titled as 'Darshan Singh Vs. Gursewak Singh and Anr. (Annexure P-2) and to decide his application preferred under Order XLI Rule 5 CPC, 1908 seeking stay of operation of judgment and decree dated 31.01.2026 (Annexure P-1) passed by the Court of Additional Civil Judge (Senior Division), Budhlada.

2. In the present case, the only grievance raised by the petitioner-defendant No. 1 is that appeal preferred by him and the appeal preferred by respondent No. 2-defendant No. 2 against common judgment and decree dated 31.01.2026 are pending before two different Benches. The appeal preferred by the petitioner-defendant No. 1 is pending before the learned Additional District Judge, Mansa whereas the appeal preferred by respondent No. 2-defendant

No.2 is pending before the learned District Judge, Mansa. Therefore, it is prayed that since both the appeals have arisen out of a common judgment and decree they deserve to be heard and decided by one Court.

3. Learned counsel for the petitioner has further submitted that his application under Order XLI Rule 5 CPC, 1908 seeking stay of operation of judgment and decree dated 31.01.2026 has not yet been decided and in execution proceedings, the Executing Court has already ordered execution of the sale deed in pursuance of the decree for specific performance, which will render his appeal infructuous.

4. Keeping in view the facts and circumstances of the present case, the learned District Judge, Mansa is requested to look into the matter and assign both the appeals to one Court. It is further directed that upon assignment of both the appeals to one Court, the application under Order XLI Rule 5 CPC, 1908 preferred by the petitioner-defendant No. 1 shall be considered and decided expeditiously, preferably within one month from the date of service upon the respondents. The petitioner-defendant No. 1 shall also be at liberty to seek interim relief from the Appellate Court, which shall be considered in accordance with law.

5. Present civil revision is disposed of accordingly.

6. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

27.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No