



CM-568-CII-2026 in/and CR No.6139 of 2025

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

136+365

1. CM-568-CII-2026 in/and
Civil Revision No.6139 of 2025
Date of decision: February 3rd, 2026

Balbir Kaur (since deceased) through her LR Jagjit Singh
.....Petitioner
Versus

Prem Lata and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Prateek Sodhi, Advocate
for the petitioners.

Mr. Manish Prabhakar, Advocate
for respondent No.1.

VIKAS BAHL, J. (ORAL)

1. This is a civil revision petition under Article 227 of the Constitution of India for setting aside order dated 19.08.2025 (Annexure P-18), whereby the Executing Court has issued fresh warrant of possession and has appointed Halqa Patwari as Local Commissioner.
2. On 17.10.2025, this Court was pleased to pass the following order:

*Present:- Mr. Prateek Sodhi, Advocate
for the petitioner.*

*Mr. Manish Prabhakar, Advocate
for respondent No.1.*

*Service of respondent Nos.2 to 5 dispensed
with vide order dated 15.09.2025.*



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On 05.09.2025, a Co-ordinate Bench of this Court was pleased to pass the following order: -

*"Present:- Mr. Prateek Sodhi, Advocate
and Ms. Yukta, Advocate
for the petitioner.*

Notice of motion for 15.09.2025.

Dasti as well.

Notice re: stay as well.

05.09.2025."

Learned counsel for the petitioner in support of his arguments has relied upon a judgment of Co-ordinate Bench of this Court in the case titled as "Harbans Singh and others Vs. Smt. Sowinder Kaur and others", reported as 2007 (2) R.C.R. (Civil) 146, to contend that even in case the petitioner was ex-parte and thereafter a substantial amendment has been allowed, it was incumbent upon the Court to have issued fresh notice to the petitioner.

Learned counsel for respondent No.1 prays for an adjournment to go through the said judgment and assist the Court.

Adjourned to 10.12.2025.

Till the next date of hearing, status quo regarding possession be maintained.

To be taken up at 1:45 P.M.

October 17, 2025"

3. Learned counsel for the petitioner has submitted that although his application under Order IX Rule 13 has been dismissed but an appeal against the same has been filed and in the same, service is complete and the

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case is fixed for arguments. It is submitted that till the time the said appeal is not decided, the interim order dated 17.10.2025 be continued.

4. Learned counsel for respondent No.1, on the other hand, has submitted that the grant and continuance of the status quo order should not be construed as an expression on the merits of the case and the First Appellate Court be directed to decide the appeal filed by the petitioner as expeditiously as possible and respondent No.1 be granted liberty to raise all pleas which are available to her in the said appeal.

5. Learned counsel for the petitioner has submitted that he has no objection to the said course of action and has submitted that the present petition be disposed of but liberty be granted to the petitioner to revive the same to challenge the impugned order dated 19.08.2025 as there are other objections raised by him which have been dismissed, in case any cause survives.

6. During the course of arguments, a very fair stand has been taken by learned counsel for the petitioner as well as learned counsel for respondent No.1 and the present petition is disposed of with the following observations/directions:

- (i) The First Appellate Court, before which appeal has been filed by the petitioner challenging the order vide which the application under Order IX Rule 13 CPC has been dismissed, would decide the said appeal as expeditiously as possible. All the counsel appearing before the First Appellate Court would fully assist the Court in expeditious disposal of the case.



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- (ii) Till the time the said appeal is decided, the status quo order passed on 17.10.2025 would continue. It is made clear that the grant and continuance of the said status quo order would not be construed as an expression on the merits of the case and the Appellate Court would decide the appeal independently, after hearing the parties concerned.
- (iii) It would be open to the petitioner to challenge the order dated 19.08.2025 (Annexure P-18) in case any cause survives. In case any such challenge is made, it would be open to all the parties to raise all pleas, in accordance with law.
7. Pending applications also stand disposed of.

February 3rd, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No