

CR-6033-2022

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2026:PHHC:030220



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-6033-2022

Date of decision : 25.02.2026

Birmati

... Petitioner

Versus

Anil Kumar

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Rajesh Lamba, Advocate and
Mr. Vinod Kumar, Advocate
for the petitioner.

Mr. Atul Yadav, Advocate
for the respondent.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 24.11.2022 (Annexure P-6) passed by the Ist Appellate Court in Civil Appeal no.398 of 2022 titled as “Birmati vs. Anil Kumar” vide which the application for grant of stay of impugned judgment dated 25.03.2019 has been dismissed.

2. On 19.12.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Present:- Mr. Rajesh Lamba, Advocate, for the petitioner.

...

Notice of motion for 22.02.2023.



Operation of the impugned judgment and decree dated 25.03.2019 shall remain stayed till the next date of hearing. December 19, 2022”

3. Learned counsel for the petitioner has submitted that against the judgment dated 25.03.2019 the petitioner had filed an appeal (Annexure P-2) in the year 2019 itself and the said appeal is pending and is now listed for final arguments on 09.04.2026 and service in the same is complete. It is submitted that in the said circumstances, the present revision petition be disposed of and the interim order granted in favour of the petitioner be continued till the time the appeal is decided.

4. Learned counsel for the respondent has submitted that the grant and continuance of the stay order should not be construed as an expression on the merits of the appeal and the respondent should be granted liberty to raise all pleas to oppose the appeal filed by the petitioner and it is further submitted that since the appeal is of the year 2019, the Ist Appellate Court be directed to decide the same expeditiously.

5. Learned counsel for the petitioner has no objection to the said course of action and has submitted that her counsel would be ready to argue the appeal on 09.04.2026 itself or any other date on which the Ist Appellate Court directs her to argue the case.

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

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- i) Till the time the first appeal filed by the petitioner against the judgment dated 25.03.2019 before the Ist Appellate Court is not finally decided, the interim order dated 19.12.2022 passed by the Co-ordinate Bench of this Court would continue. The grant and continuance of the said order should not be construed as an expression on the merits of the appeal and it would be open to both the parties to raise all pleas as are available to them in the first appeal filed by the present petitioner.
- ii) Since the appeal filed by the petitioner is of the year 2019, the Ist Appellate Court is requested to decide the same as expeditiously as possible, preferably within a period of three months from 09.04.2026.
- iii) As undertaken before this Court, counsel for the both the parties appearing before the Ist Appellate Court would be prepared to argue the main appeal on 09.04.2026 or any other date on which the Ist Appellate Court directs them to argue the case.

(VIKAS BAHL)
JUDGE

February 25, 2026.
Davinder Kumar

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