



CR-3083-2025

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

(133)

CR-3083-2025

Date of decision:- 21.05.2025

**Ravinder Singh**... **Petitioner****Versus****Aman Kumar and others**... **Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Ranbir Singh Rawat, Advocate and  
Mr. Ashwani Kumar, Advocate  
for the petitioner.

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**SUVIR SEHGAL, J. (ORAL)**

1. Instant revision petition has been filed *inter-alia* for directing the First Appellate Court to expeditiously decide the stay application, Annexure P-11, filed along with CA/368/2022 titled as “*Ravinder Singh and others Versus Aman Kumar and another*”, Annexure P-10, filed by the petitioner.
2. Counsel for the petitioner submits that respondents No.1 and 2/plaintiffs filed a suit for vacant possession of land measuring 12 marlas and sought relief of mandatory injunction directing the defendants to remove the obstruction on the suit land. Counsel submits that upon being served, petitioner/defendant No.2 filed a counterclaim. He states that after the suit was contested, by judgment dated 19.11.2022, Annexure P-9, Trial Court decreed the suit and the counterclaim of defendants was dismissed. Counsel submits that the petitioner, along with a co-defendant, have filed a first appeal, Annexure P-10, which is pending. He submits that in application, Annexure

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P-11, under Order 41 Rule 5 CPC has been separately filed, but it has not been decided. He has made a reference to the interim orders, Annexure P-12/A, appended with the petition to assert that the appeal is being adjourned for arguments, but no order has been passed on the application, Annexure P-11. Counsel states that in the meantime, an execution petition has been filed by the decree holder and vide impugned orders dated 21.04.2025 and 05.05.2025, Annexures P-1 and P-2, respectively, Executing Court has issued warrants of possession. Counsel submits that in case the warrants are executed, the right of first appeal of the petitioner shall stand defeated. He has confined the prayer to a direction to the First Appellate Court to decide the application, Annexure P-11.

3. I have heard counsel for the petitioner and considered his submission.
4. Given the nature of order proposed to be passed, this Court does not deem it necessary to call upon the respondents.
5. Perusal of the interim orders, Annexures P-12/A, appended with the petition show that the first appeal was instituted in December, 2022 and notices were issued in the appeal as well as the application on 17.12.2022. Service upon the respondents has been effected, but the appeal as well as the miscellaneous application are under consideration for the last almost 2½ years and warrants of possession have been issued in execution. In this backdrop, this Court deems it appropriate to request the first Appellate Court to decide the appeal as expeditiously as possible. In case, it is not possible to decide the appeal, the first Appellate Court shall hear the parties and decide the application, Annexure P-11, as early as possible preferably within a period of

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two months from the date of a communication of a copy of this order.

6. Petition is disposed off.

7. Till the time the application, Annexure P-11, is not decided, further proceeding before the Executing Court shall remain stayed.

21.05.2025

*Kamal***(SUVIR SEHGAL)  
JUDGE**

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|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |