



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

112

CR-1417-2025

Date of Decision: 07.03.2025

**BIHARI THROUGH HIS LRS AND OTHERS**

.....Petitioners

Vs.

**NAFE (SINCE DECEASED) THROUGH HIS LRS AND OTHER**

.....Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Ashish Gupta, Advocate with Mr. Duni Chand, Advocate  
for the petitioners.

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**DEEPAK GUPTA, J. (ORAL)**

Against the judgment and decree dated 19.11.2024 (Annexure P-5) passed by the trial Court, dismissing the suit of the plaintiff (*appellant herein*), an appeal was filed which is pending before learned Additional District Judge, Jind. An application under Order 41 Rule 5 CPC was moved for grant of interim stay till pendency of the appeal, but the same has not been disposed of and the matter is now listed for 08.04.2025.

By way of this petition, prayer is made to decide the application under Order 41 Rule 5 CPC on the date fixed i.e. 08.04.2025 in a time bound manner and in the meantime to restrain the respondents to alienate the suit property.

Learned counsel submits that respondent No.1 through his LRs is the only contesting respondent and he had been duly served, as is evident from the impugned order dated 23.01.2025 (Annexure P-1). The matter was adjourned by the Appellate Court only for the service of proforma respondents.

Without commenting anything on merits, this petition is hereby disposed of with a direction to concerned Appellate Court to dispose of the application under Order 41 Rule 5 CPC on the date fixed i.e. 08.04.2025 or in case disposal thereof is not possible for any reason on that



day, then to dispose of the same expeditiously within a period of next one month positively.

07.03.2025

pry

**(DEEPAK GUPTA)**  
**JUDGE**

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