



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

127

CR-1973-2025

Date of Decision: 23.07.2025

Pardeep Kumar

...Petitioner

Versus

State of Punjab and others

...Respondent

**CORAM: HON'BLE MR. JUSTICE VIKAS SURI**

Present:- Mr. Ranjan Lakhanpal, Advocate, for the petitioner.

Mr. Prem Kumar, Advocate, for respondent No.3

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**VIKAS SURI, J.**

1. Prayer in this petition under Article 227 of the Constitution of India is for grant of stay against the operation of judgment and decree dated 22.07.2024 (Annexure P-7) passed by learned Civil Judge (Junior Division), Barnala.

2. Learned counsel for the petitioner submits that the suit for permanent injunction filed by the petitioner-plaintiff was dismissed vide judgment and decree dated 22.07.2024 (Annexure P-7). Aggrieved by the same, the petitioner preferred an appeal before the first Appellate Court, which has been registered as CIS No: CA/139/2024. It is further submitted that along with the aforesaid appeal, an application under Order 41 Rule 5 CPC was also filed, which is still pending consideration and no orders have been passed thereon and the matter is now pending for 18.08.2025. It is



further submitted that the sole respondent in the said appeal has been arrayed as respondent No.3 in the instant petition. He, thus, prays that the petitioner would be satisfied, at this stage, in case the lower Appellate Court is directed to dispose of the stay application in a time bound manner.

3. Per contra, learned counsel for respondent No.3 does not dispute the fact that the appeal preferred against the judgment and decree dated 22.07.2024 is pending before the first Appellate Court and no stay has been granted therein so far. It is further submitted that notice of the application under Order 41 Rule 5 CPC was issued for 08.01.2025, on which hearing, appearance was put in through counsel on behalf of the said respondent and the appeal was adjourned for arguments. The records of the lower Court were also requisitioned for 17.04.2025. The said records have since been received and the proceedings are now pending for 18.08.2025, for arguments. Learned counsel for the contesting respondent No.3 states that he has no objection in case the present petition is disposed of by directing the first Appellate Court to decide the stay application/appeal on the date already fixed or any other date convenient to the Court.

4. Learned counsel for the petitioner accepts the aforesaid statement and further submits that he would be ready with addressing arguments on the stay application as well as on the main appeal, on the date already fixed before the first Appellate Court.

5. Heard learned counsel for the parties.

6. Keeping in view the consensus arrived at between the counsel



for the parties, noticed above, the present petition is disposed of with a direction to the first Appellate Court to take up the appeal bearing CIS No: CA/139/2024, titled as *Pardeep Kumar vs Nagar Improvement Trust*, on the date already fixed and after hearing both the parties, dispose of the stay application/main appeal, in accordance with law. It is, however, made clear that if the docket of the Court concerned for the said day is heavy, then the proceedings may be deferred to a convenient date but not later than 30 days from the date already fixed before the said Court.

7. The petition is disposed of in the aforesaid terms.

**July 23, 2025**

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**( VIKAS SURI )  
JUDGE**

Whether speaking/reasoned      Yes/No

Whether reportable                Yes/No