



CR-827-2025 (O & M)

-1-

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

116

CR-827-2025 (O & M)
Date of decision:07.02.2025

REHMAN MIAN

...PETITIONER

VS.

KAMMY JINDAL AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gurbir Singh Sidhu, Advocate &
Mr. Mohit Kumar, Advocate
for the petitioner.

SUVIR SEHGAL J. (ORAL)

CM-2513-CII-2025

1. Exemption, as prayed for, is granted.
2. Application is allowed.

Main Case

3. Instant revision petition has been filed by the petitioner/tenant under Article 227 of the Constitution of India for directing the Appellate Authority, Barnala, to decide the application filed under Order 41 Rule 5 CPC, Annexure P-3, in rent appeal No.RA/1/2024 in a time bound manner.



CR-827-2025 (O & M)

-2-

4. Counsel for the petitioner submits that by order dated 07.12.2023 passed by the Rent Controller, Barnala, Annexure P-1, petitioner was ordered to be evicted from a shop situated in Pharwahi Bazar at Barnala and he filed an appeal, Annexure P-2, which is pending before the learned Additional District Judge, Barnala. He states that alongwith the appeal, an application under Order 41 Rule 5 CPC has been filed, which is being repeatedly adjourned, without adjudication, despite the fact that the contesting respondent has been served and is appearing. Counsel has taken the Court through the interim orders passed by the appellate court and submits that in the meanwhile, warrant of possession has been issued in an execution petition filed by the respondent. He submits that the appellate authority be directed to decide the application, Annexure P-3, in a time bound manner.

5. I have heard counsel for the petitioner and find force in his submission.

6. Undisputedly, petitioner has been ordered to be evicted vide order, Annexure P-1, and his appeal alongwith an application for stay are pending for the last more than one year. However, the application for stay is not being decided and respondent-landlord has taken steps to get the possession of the premises.

7. At this stage, without calling upon the respondent, this petition is disposed of with a request to the Appellate Authority, Barnala, to decide the application, Annexure P-3, as expeditiously as possible

2025:PHHC:018416



CR-827-2025 (O & M)

-3-

preferably within a period of three months from the date of communication of a copy of the order.

8. Till the time the application is not decided, the warrant of possession issued by the executing court vide order dated 28.01.2025, Annexure P-7, shall remain stayed.

07.02.2025

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**(SUVIR SEHGAL)
JUDGE**

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No