



2026:PHHC:075939

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

CRM-M-22659-2026

Date of decision : 14.05.2026

Sandeep Kumar @ Sandeep

.....Petitioner

versus

Rajesh Kumar and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Sandeep Kumar Yadav, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

1. Present petition has been filed for setting aside the order dated 16.04.2026 passed by learned Additional District and Sessions Judge, Narnaul as well as order dated 08.04.2026 passed by learned Additional District and Sessions Judge, Narnaul (referred as Ld. Revisional Court) whereby stay granted vide order dated 21.01.2026, has been vacated and recalling thereof has been dismissed.

2. It has been submitted by learned counsel for the petitioner that learned Sub Divisional Magistrate, Mahendergarh had appointed a receiver on the property in question, vide his order dated 24.12.2025 and the same was assailed by the petitioner by way of filing the revision petition before the learned Revisional Court i.e. Court of Additional Sessions Judge, Narnaul. He submits that at the time of preliminary hearing, the stay of the operation of the order passed by learned SDM, was granted vide order dated 21.01.2026, however, the interim stay was vacated by learned Revisional Court, vide order dated 08.04.2026 on the

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ground that neither the petitioner nor his counsel were present before the concerned Court. He submits that the counsel for the petitioner, was very much present, however, inadvertently the learned Court, had vacated the stay. He submits that the review petition was also filed before the Revisional Court but the same was declined by learned Revisional Court vide its order dated 16.04.2026, on the ground that it does not have the inherent jurisdiction to recall the order passed by it and as there is no provision under the criminal law to review its order, thus, the revision petition was declined. He submits that main petition is fixed before learned Revisional Court for further hearing on 29.05.2026 and if the interim stay is not restored, the property would be auctioned and the petitioner would suffer an irreparable loss.

3. Notice of motion.

4. Mr. Sanjay Kaushal, Senior Advocate with Mr. Manish Mehta, Advocate; Mr. Arjun Kaushal, Advocate and Mr. Ankit Rana, Advocate has put in appearance and filed Vakalatnama on behalf of respondent No.1.

5. Learned Senior counsel for respondent No.1 has vehemently opposed the submissions made on behalf of the petitioner and submits that the petitioner has totally violated the provisions of the law rather he has taken the law in his hands by beating the persons who came for auction and an FIR was also registered against the petitioner. He contends that in such circumstances, the inherent jurisdiction should not be exercised in favour of the petitioner.

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6. After hearing learned counsel as well as learned Senior counsel for the parties, it is deciphered that it is an admitted fact the main revision petition is pending adjudication before the learned Revisional Court on 29.05.2026. The interim stay which was granted at the initial stage, was vacated due to the absence of the counsel. In the attending facts and circumstances, when the main revision is pending adjudication, the Court finds that this Court should exercise its inherent jurisdiction by restoring the interim stay as granted by learned Revisional Court. Thus, the impugned orders dated 16.04.2026 and 08.04.2026, are hereby set aside and the interim stay which was vacated, is hereby restored. The parties would appear before the Revisional Court on the date fixed i.e. 29.05.2026. The learned Revisional Court would proceed with the case, in accordance with law. The ld. Revisional Court would make an endeavour to conclude the proceedings expeditiously preferably within a period of 03 months.

7. It is made clear that if learned Revisional Court finds that the petitioner is misusing the order passed by this Court for restoration of the interim stay, it would be at liberty to proceed in the case as in accordance with law.

(RAJESH BHARDWAJ)
JUDGE

14.05.2026*ps-I*

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