

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R. No.3485 of 2015

Date of Decision.21.05.2015

Sunil Kumar Sharma

.....Petitioner

Versus

Palwinder Pal

.....Respondent

Present: Mr. Anupam Bhardwaj, Advocate
for the petitioners.

CORAM:HON'BLE MR. JUSTICE K. KANNAN

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest?

-. -

K. KANNAN J. (ORAL)

1. There is no scope for a complaint about an order passed by the Executing Court that besides execution the petitioner has a remedy to prefer an appeal against the dismissal of application under Order 21 Rule 58 CPC. The Order 21 Rule 58(4) operates the order passed under the said provision as decree against which a regular first appeal is possible under Section 96 of the Civil Procedure Code.

2. The petitioner may approach the Appellate Court for stay of further proceedings and seek for suspension of the order passed by the Executing Court. It is not possible to pass any interim order in an incompetent revision petition filed before this Court. I decline to make any intervention against the order passed by the Executing Court and give liberty to the petitioner to approach for such a relief in a competent appeal that he is entitled to file against the order passed under Order 21 Rule 58 CPC.

3. With these observations, the civil revision is disposed of.

(K. KANNAN)
JUDGE

May 21, 2015
Pankaj*