

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

CR No.2522 of 2016

Date of Decision: 8.8.2016

Karnail Singh

.....Petitioner

Versus

Niranjan Singh (deceased) through LRs & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.K.S. Cheema, Advocate for the petitioner.

Mr. Rajbir Singh, Advocate for respondent No.1.

Mr. Ramandeep, Advocate for respondent No.3.

Darshan Singh, J. (Oral)

The petitioner has challenged the execution petition filed by the respondents being barred by limitation.

Learned counsel for the petitioner has very fairly conceded that the period during which the execution of the decree remained stayed by the First Appellate Court shall be excluded.

Counsel for respondent No.1 has brought on file the certified copy of the orders passed by the First Appellate Court which shows that the appeal against the impugned decree dated 2.8.2002 was presented before the Additional District Judge, Ropar on 4.9.2002 and on the same day i.e. 4.9.2002, the operation of the impugned judgment and decree was stayed by the learned Appellate Court. The said stay remained in operation upto 30.7.2003 i.e. for a period of more than 10 months. If this period is excluded, the execution petition filed by the respondents is well within 12 years i.e. within a period of limitation.

Thus, the present revision petition is without any merit and the same is hereby dismissed.

August 08, 2016
ps

(DARSHAN SINGH)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No