

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

CR No.4865 of 2016(O&M)

Date of decision: 30.11.2016

Karam Singh and anotherPetitioners

VERSUS

Joga Singh and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Ashish Gupta, Advocate for the petitioners.

REKHA MITTAL, J.(Oral)

The present petition directs challenge against order dated 05.07.2016 (Annexure P-3) passed by the Civil Judge (Junior Division) Rajpura whereby objections filed by the petitioners against execution of the decree have been dismissed.

The sole submission made by the petitioners (judgment debtors) before the executing Court was that as Regular Second Appeal is pending before the High Court, execution proceedings may be stayed till decision of the appeal. The executing Court has held that as there is no stay against the decree passed by the Court of appeal modifying the judgment and decree passed by the trial Court, allowing claim of the decree holder for specific performance of the agreement who had already deposited balance sale consideration of Rs.11,50,000/-, pendency of appeal would not constitute a valid ground to stall the execution process.

Indisputably, there is no stay against operation of the judgment and decree passed by the Court of appeal. It is not clear if an application for stay was filed by the petitioner or what is the status thereof.

In this view of the matter, I do not find any error much less illegality in the impugned order warranting intervention.

Dismissed.

NOVEMBER 30, 2016

‘D. Gulati’

Whether speaking/reasoned

Whether reportable

:

:

(REKHA MITTAL)

JUDGE

yes/no

yes/no