

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 5442 of 2016(O&M)
Date of Decision: 26.8.2016

Dalip Singh

--- Petitioner

versus

Sukhwinder Singh

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. R.S.Mamli, Advocate
for the petitioner

Rekha Mittal, J.

The present petition has been directed against order dated 30.7.2016 (Annexure P-3) whereby warrants of attachment have been issued as a measure of execution of a money decree passed in favour the respondent.

The sole submission made by counsel for the petitioner is that as regular second appeal No. 6446 of 2014 to impugne the consistent findings recorded by the courts below is pending before this court, the

Executing Court should have stayed the execution proceedings pending decision of the regular second appeal. The contention raised by counsel for the petitioner, in the circumstances of the present case is highly misconceived and thus untenable. The case of the petitioner, by no stretch of imagination can be covered within the ambit and purview of Order 21 Rule 26 of the Code of Civil Procedure.

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

Dismissed.

(Rekha Mittal)
Judge

26.8.2016

PARAMJIT

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No