

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

**CR No.7434 of 2017 (O&M)
Date of Decision: 31.10.2017**

Smt. Usha

... Petitioner

Versus

Gurvinder Singh

... Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Pritam Singh Saini, Advocate,
for the petitioner.

ANIL KSHETARPAL, J. (ORAL).

The judgement-debtor, who had entered into a settlement before the Lok Adalat, which resulted into a compromise decree, is in revision petition against the order dated 10.10.2017 refusing to stay the execution petition.

A suit for specific performance of agreement to sell was filed, which was dismissed. The plaintiff filed the first appeal. During the pendency of the first appeal, a settlement was arrived at between the parties. Pursuant to the aforesaid settlement, decree for specific performance of agreement to sell was passed by the first Appellate Court.

Still, the petitioner did not honour the decree, compelling the decree-holder to file an execution petition. The petitioner first of all filed a separate suit challenging the aforesaid compromise decree. Later on, the suit was withdrawn. Then he filed objection petition, which was also dismissed on 01.08.2016. The revision filed by the petitioner against the aforesaid

order was also dismissed on 15.09.2017.

In the meantime, the petitioner filed an application under Order 23 Rule 3 CPC for setting aside the compromise decree. The aforesaid application is admittedly pending before the Court for 30.11.2017.

The judgement-debtor has now filed an application that the execution of the decree should be stayed.

The decree passed by the Court pursuant to a compromise/settlement is sought to be executed. If ultimately, the petitioner succeeds, he would get back the property. However, merely because the application has been filed for setting aside a compromise decree, the execution of the decree passed by the Court cannot be kept in abeyance.

For the reasons recorded above, this Court does not find any good ground to interfere with the order passed by the first Appellate Court. However, the learned first Appellate Court would take appropriate steps for final decision on the application under Order 23 Rule 3 CPC and decide the same positively within a period of two months.

The revision petition is disposed of.

(ANIL KSHETARPAL)
JUDGE

31.10.2017
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No