

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 2405-2017 (O&M)
Date of decision: 19.03.2018

Municipal Council, Nabha

.....Petitioner

versus

Janno and others

.....Respondents

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Jai Bhagwan, Advocate for the petitioner
Mr.S.K.Singla, Advocate for the respondents

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Impugned in the present revision petition filed under Article 227 of Constitution of India is the order dated 30.9.2016 (Annexure P6), passed by learned Additional Civil Judge (Senior Division), Nabha.

Heard.

It comes out that the present petitioner decree holder filed civil suit which was decreed, against which RFA was filed, which was later on transferred by this Court to the District Court. Thereafter, it is stated that the RFA was decided by the District Court, against which RSA No.3628 of 2014 was filed, which was also dismissed by this Court vide order dated 2.4.2014. Copy of the order of RSA perused. Lower Court directed the petitioner to produce the effect of stay in RFA 170 of 2005.

I am of the view that if there is some stay, it is for the JD to produce to show that the execution has been stayed. Objections of the JD

have already been dismissed. Unless some stay order is produced by JD, the Court is to faithfully execute the order.

As such, impugned order to the extent directing the decree holder to produce the order showing stay granted in RFA No.170 of 2005 is set aside. Executing Court is directed to execute the decree in accordance with law, unless JD produce some stay order from the superior Court.

Present revision petition stands disposed of accordingly.

Since the present petition has been disposed of, therefore, the pending CM, if any, also stands disposed of.

19.03.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No