

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

C.R. No.2632 of 2018

Date of decision: 24.04.2018

Bharti Devi alias Sarita and others

... Petitioners

Versus

Harbans Singh now deceased through LRs

... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Ms. Nidhi Garg, Advocate
for the petitioners.

AMIT RAWAL J. (ORAL)

The petitioner-judgment debtor is aggrieved of the dismissal of the objection to the execution of the judgment and decree dated 21.07.2017 whereby the suit for handing over physical possession of the suit property with payment of mesne profits @₹8000/- per month had been decreed. Concededly, the appeal before the lower Appellate Court against the aforementioned judgment and decree had been filed along with application for stay. The petitioner-judgment debtor cannot be permitted to get the execution stayed without pursuing the application for interim stay.

It has been brought to the knowledge of the Court that the application for interim stay before the lower Appellate Court is pending adjudication. In my view, the remedy of the petitioner-judgment debtor lies elsewhere i.e. in the appeal and not in the manner and mode as indicated above.

I do not find any illegality and perversity in the order under challenge and the same does not call for interference. No ground for

interference is made out. The revision petition is dismissed being devoid of merit.

April 24, 2018
Pankaj*

(**AMIT RAWAL**)
JUDGE

Whether speaking / reasoned: YES

Whether Reportable: No