

In the High Court of Punjab and Haryana at Chandigarh

.....

Civil Revision No.3695 of 2018

.....

Date of decision:30.5.2018

Kundan Lal (now deceased) through LRs. Shamsheer Chand and others
.....Petitioners

v.

Sonia
.....Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Vikram Singh, Advocate for the petitioners.

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Inderjit Singh, J.

This civil revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned orders dated 7.5.2018 (Annexures-P.3 and P.4) passed by the learned Civil Judge (Junior Division), Naraingarh, vide which the application for stay of execution has been dismissed and the warrant of possession has been issued wrongly and illegally and said orders are liable to be set aside being unsustainable.

I have heard learned counsel for the petitioners and have gone through the record.

From the record, I find that during the pendency of execution proceedings, an application had been filed by the power of attorney on behalf of judgment debtor for stay of the execution proceedings which was dismissed by the learned Civil Judge (Junior Division), Naraingarh, vide

order dated 7.5.2018.

I have gone through the impugned orders. From the record, I find that the execution petition was listed for issuing of warrant of possession in favour of the decree holder so as to get delivered the physical possession of the subject matter to him. On such date, power of attorney on behalf of Judgment debtor was filed and an adjournment was sought for filing objections. Thereafter, on 7.4.2015, the judgment debtor submitted that he has filed RSA No.4983 of 2014 before the High Court in which interim stay was granted in his favour. Thereafter, the decree holder on 14.9.2016, placed on record a copy of order dated 17.8.2016, vide which RSA No.4983 of 2014 was dismissed by the High Court. Thereafter, on 27.9.2016, learned counsel for the judgment debtor appeared and submitted that the judgment debtor desires to file an appeal before the Hon'ble Supreme Court against the order dated 17.8.2016. In the order, the Court below held that the execution petition remained pending awaiting such orders, but neither was any such order placed on record by the judgment debtor nor did the judgment debtor provide any detail regarding the alleged review petition filed by him before the Hon'ble Supreme Court.

A perusal of the record shows that even if it is taken that no proceedings had been filed before the Supreme Court, the execution is to be stayed by the lower Court in those proceedings. By availing of remedy before the appellate Court or revisional Court, the proceedings are not to be stayed automatically. Even today, when it was asked from the counsel for the petitioner to provide information whether he has placed any document on record to show the pendency of any proceedings before the Hon'ble

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Supreme Court, he has failed to produce any document.

Therefore, in view of the above facts, I find that the orders dated 7.5.2018 passed by the learned Civil Judge (Junior Division), Naraingarh, are as per law and no illegality has been committed while passing the orders and the same do not require any interference from this Court and are upheld.

Finding no merit in this civil revision petition, the same is accordingly dismissed.

May 30, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No