

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

**CR No.5651 of 2018 (O&M)
Date of Decision:28.08.2018**

Narata Ram

...Petitioner

Versus

Rajpal

...Respondent

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Jagdish Manchanda, Advocate for the petitioner.

ANIL KSHETARPAL, J. (ORAL)

The judgment-debtor is in the revision petition against the order passed by the executing court, issuing conditional warrant of arrest.

It is not in dispute that there is a decree for recovery of amount against the judgment-debtor/petitioner. The first appeal filed is pending in which no stay has been granted.

In the considered opinion of this Court, once the appellate court has not granted any stay, the executing court cannot stay its hands from proceeding further.

Learned counsel for the petitioner submits that the petitioner is a poor person and he can only pay the amount by way of installments.

In this situation, this Court is of the view that such plea can only be raised before the executing court and if such an offer is made, the executing court would consider it sympathetically. Pending application(s), if any, shall also stand disposed of, in terms thereof.

Disposed of.

**28.08.2018
mks**

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned: Yes/No