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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR No.2014 of 2019

Date of Decision: 26.03.2019

Pawan Kumar

..... Petitioner

Versus

Deepak Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vishal Munjal, Advocate,
for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

The present revisional petition is directed against the impugned order, passed by the Ld. Civil Judge (Senior Division), Pathankot, in Execution Petition No.15 of 2018 on 09.01.2019.

2. Vide the impugned order, the application of the petitioner/judgment debtor under Section 47 of the CPC was rejected by the Ld. Court below. The sum and substance of his contentions in the said application was that the Decree passed against him was not in accordance with law and he had already filed a statutory appeal against the same, on account of which, the execution against him ought not to proceed during pendency of the appeal.

3. The Ld. Court below, however, rejected his aforesaid

application by observing that mere pendency of an appeal against the Decree in the absence of a specific Stay order by the Competent Forum is not a sufficient ground to not proceed into execution.

4. This Court finds no such illegality or impropriety in the view taken by the Ld. Court below as to interfere with the impugned order.

5. The present revisional petition is, therefore, dismissed. However, the petitioner is at liberty to approach the Ld. Lower Appellate Court with an appropriate application seeking stay of the impugned Decree. Any such application, if so filed/already filed, shall be dealt with and disposed off by the Ld. Lower Appellate Court expeditiously on its own merits and without being influenced by any of the observations made in this order.

26.03.2019

Apurva

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/ reasoned : Yes/ No

2. Whether reportable : Yes/ No