

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

-.-

**C.R No. 7577 of 2019 (O&M)
Date of decision: 28.11.2019**

Bakshish Kaur alias Seeto

.....Petitioner

Vs.

Harbhajan Singh (D) through Lrs. & Ors.

...Respondents

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present:- Mr. Nakul Sharma, Advocate, for the petitioner.

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ALKA SARIN, J.

The present revision petition has been filed challenging the order dated 19.09.2019 passed by Executing Court, dismissing the objections filed by the judgment-debtor in Execution No.22 of 2018, titled as “Harbhajan Singh Vs. Bakshish Kaur and Ors.”

In the execution petition filed by the decree-holder, the petitioner (Judgment-debtor) had filed objections on the ground that since the appeal was pending against the judgment and decree dated 31.10.2017 passed by the trial Court, hence the same has not attained finality and, thus, could not be executed. The Executing Court after hearing the parties, vide the impugned order dated 19.09.2019 dismissed the objections being without merit.

I have heard learned counsel for the petitioner.

At the outset, learned counsel for the petitioner has admitted that till date, no stay has been granted by the appellate Court in the appeal preferred by the petitioner against the judgment and decree dated 31.10.2017. The only argument raised by the learned counsel for the petitioner is that during the pendency of an appeal, the decree cannot be executed inasmuch as an appeal is considered to be a continuation of the suit and that a decree would become

~~executable~~ only when the same is finally disposed of by the Court of Appeal.

I do not find any merit in the argument raised by the learned counsel for the petitioner.

In the present case, admittedly no stay has been granted by the appellate Court and in the absence of any stay there is no reason why the execution proceedings cannot be proceeded with.

That being so, the present revision petition being devoid of any merit, is dismissed.

Since, the main case has been dismissed, pending application, if any, stands disposed of.

November 28, 2019
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No