

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

119)

CR no.715 of 2020 (O&M)

Decision: 31.01.2020

Swaran Kaur

...Petitioner

Versus

Swaran Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Hitesh Verma, Advocate, for the petitioner.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks a direction to the learned court seized of the appeal filed by her against the judgment and decree passed against her on May 16, 2019 by the learned Civil Judge (Sr. Divn.), SAS Nagar, Mohali.

Learned counsel for the petitioner submits that with an application under Order 41 Rule 5 of the CPC having been filed along with the appeal before the learned Addl. District Judge, that has still not been decided, but with the execution proceedings going on.

The petitioner therefore apprehends that if the aforesaid application is not decided by the learned appellate court, the decree may stand executed thereby causing extreme hardship to the petitioner-judgment debtor.

Having considered the matter, seen that the application under Order 41 Rule 5 of the CPC is stated to be pending since the date of filing of the appeal itself, i.e. 31.05.2019, and the execution proceedings are seen to

be continuing as per the order annexed with this petition, this petition is disposed of with a direction to the appellate court to decide the application filed before it under Order 41 Rule 5 of the CPC, very expeditiously, and further, with a direction to the executing court to not finalize the execution proceedings till the decision on that application by the appellate court.

31.01.2020
vcgarg/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No