

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

**Civil Revision No.745 of 2021 (O&M)
Date of Decision: March 24, 2021**

Kulwinder Kaur and another

.....Petitioners.

VERSUS

Nachattar Singh (now deceased) represented by LRs and others

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sunny K. Singla, Advocate
for the petitioners.

MAHABIR SINGH SINDHU, J.

Present civil revision has been filed under Article 227 of the Constitution of India for setting aside order dated 01.12.2020 (P-9) passed by learned Civil Judge (Junior Division), Malerkotla, whereby the application for staying the execution proceedings till the decision of the appeal filed by the petitioners has been dismissed.

Contends that learned first Appellate Court specifically observed regarding arguable points in the appeal filed by the petitioners, but did not decide the application for stay of the decree under challenge; thus, the petitioners are likely to suffer an irreparable loss and injury in case the same is not stayed during the pendency of the appeal.

Although, this Court is not inclined to interfere with the order passed by learned executing Court, but at the same time, will not be

observed by learned first Appellate Court vide order dated 09.03.2020, there are arguable points in the appeal filed by the petitioners.

In view of the above, it would be appropriate if the stay application filed by the petitioners is decided by the first Appellate Court on the date fixed i.e. 29.05.2021 or within two weeks thereafter.

Needless to say that observations made above shall not be construed as an expression of opinion on the merits of the controversy either before the executing Court or the first Appellate Court.

Till the decision of the stay application, learned executing Court is requested to defer the proceedings for some future date.

Disposed off accordingly.

Since this petition has been decided without issuing notice to the opposite side i.e. respondents/decreed-holders, therefore, in case, feel aggrieved, they would be at liberty to move an application for recalling of this order.

March 24, 2021

Sachin M.

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*