

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

Sr. No.113

**Civil Revision No.1941 of 2021
Date of Decision : September 16, 2021**

Sat Pal Pahuja

...Petitioner

Versus

Kanwaljit Kaur (since deceased) through her Lrs.

...Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Inderpreet Singh Kooner, Advocate, for the petitioner.

SUDHIR MITTAL, J. (ORAL)

The petitioner is the judgment-debtor. Suit filed by the respondent-decree-holder was decreed vide judgment and decree dated 25.01.2018. Appeal against the said judgment and decree was filed allegedly on 14.02.2018. The appeal is pending till date and even stay application has allegedly not been decided. Meanwhile, the respondent-decree-holder has filed for execution of the judgment and decree and objections of the petitioner-JD have been dismissed vide order dated 01.03.2021 (Annexure P-4). Warrants of possession have been issued vide order dated 06.09.2021 (Annexure P-5).

It is submitted that an application dated 22.03.2021 (Annexure P-6) was filed before the Appellate Court for decision of the stay application. Yet, the stay application has not been decided. The zimni orders show that the Appellate Court has been adjourning the case for no reason whatsoever. Since Covid-19 pandemic is going on, the petitioner is entitled to the benefit of orders issued by a Division Bench of this Court in

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CWP-PIL-77-2021 titled as ***Court on its own motion vs. Union of India and others.***

As noticed hereinabove, the appeal was filed on 14.02.2018. The pandemic started only in March, 2020. There was a clear period of two years available to the petitioner-JD to get his stay application decided. Non-decision of the stay application implies that the appeal filed by the petitioner-JD has no merits. Reliance upon orders passed by this Court in CWP-PIL-77-2021 titled as ***Court on its own motion vs. Union of India and others*** is misplaced as orders passed in the said case would not apply to the instant case because the petitioner-JD had an adequate opportunity to obtain a stay order before the pandemic commenced.

In view of the above, I do not find any error in the orders passed by the Executing Court. The revision petition is dismissed.

September 16, 2021

Ankur

**(SUDHIR MITTAL)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No