

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

205

**CM-7841-CII-2020 in/and CR-7330-2019  
Decided on : 15.02.2021**

Daljit Kaur

... Petitioner

Versus

Tarsem Singh & others

... Respondents

**CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA**

Present: Mr.G.S.Nagra, Advocate, for applicant/respondent No.1.

Mr.K.S.Dhillon, Advocate, for non-applicant/petitioner.

(The proceedings are being conducted through video conferencing,  
as per instructions.)

**G.S. Sandhawalia, J. (Oral)**

**CM-7841-CII-2020**

Application for vacation of stay of the ex-parte stay order dated 19.11.2019, passed by this Court, has been filed, in which, notice was issued to counsel for the non-applicant/petitioner and reply has also been filed.

Keeping in view the issue in question, hearing of the main case is preponed from 20.05.2021, to today and the main revision petition is taken on Board.

CM stands disposed of.

**CR-7330-2019**

Challenge in the present revision petition is to the order dated 30.08.2019 (Annexure P-5) passed by Shri Kapil Aggarwal, Civil Judge (Sr.Division), Jalandhar. The same arises out of execution proceedings titled as *Tarsem Singh Vs. Daljit Kaur & others*.

Vide the impugned order, objections taken by Daljit Kaur-petitioner have been dismissed regarding the attachment of the property, in pursuance of the money decree dated 21.11.2012 (Annexures P-1 & P-2). A perusal of the same would go on to show that the petitioner, Daljit Kaur, being the widow of Hardev Singh has been proceeded against ex parte along with other defendants. Her son, Prabhjot Singh and her daughter, Ramandeep Kaur were also arrayed as defendants No.2 & 3. The suit for recovery had been filed on the ground that Hardev Singh had taken friendly loan from the plaintiff for sending Ramandeep Kaur abroad. In the execution proceedings, Kuldeep

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Kaur, mother of Hardev Singh had also filed objections before the Executing Court. On account of her death on 17.11.2016, the objections had been dismissed qua her vide the same impugned order.

It has been brought to the notice of this Court that Civil Appeal has now been filed against the said impugned order by Kuldeep Kaur through her LRs, the present petitioner, Daljit Kaur and her daughter, Ramandeep Kaur, which has been appended as Annexure R-1/1. In the reply filed, the defence raised by the petitioner is that the representations and objections of all the objectors are to be heard separately and independently and Kuldeep Kaur was a third party and stranger and not a judgment-debtor.

Thus, it is the admitted fact that against the same impugned order, the appeal is pending before the District Judge, Jalandhar for 07.04.2021. The close relationship of the parties has already been noticed above. Thus, this Court is of the opinion that once the appeal is already pending against the same order, it would not be appropriate for this Court to examine the correctness of the said order. If any order is to be passed by this Court, the said order would needlessly also affect the decision of the appeal which is to be heard by the District Judge and therefore, further remedy would also be curtailed of the appellants therein.

Accordingly, the present revision petition is held not to be maintainable and the same is dismissed.

It is open to the petitioner to file an appeal before the District Judge, Jalandhar against the impugned order by filing appropriate application for condoning the delay for the period spent in litigation before this Court. It is expected that on filing of such application, the District Judge would decide the appeal, in accordance with law, on merits.

**FEBRUARY 15, 2021**

*sailesh*

**(G.S. SANDHAWALIA)  
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No