

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

126

**CR-1035-2022**

**Date of decision: 06.04.2022**

JHANDA RAM

.....Petitioner

Versus

ASHA RANI

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Rajesh Narang, Advocate for the petitioner.

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**MANJARI NEHRU KAUL, J. (ORAL)**

The instant revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 06.12.2021 (Annexure P-2) vide which the executing Court has continued with the execution proceedings to execute the impugned judgments and decrees despite the order dated 29.8.2017 (Annexure P-1) passed by this Court in RSA-4084-2017 vide which the execution of the impugned decree has been stayed.

Learned counsel for the petitioner submits that this Court while issuing notice of motion on 29.08.2017 was pleased to stay the execution of impugned judgments and decrees and further the application under Order 41 Rule 5 of CPC bearing No.CM-10519-C-2017 for stay of execution of the impugned judgments and decrees was also disposed of on the same date.

Learned counsel submits that the executing Court has misinterpreted the order dated 29.08.2017 (Annexure P-1) and has wrongly continued the execution proceedings against the petitioner.

Learned counsel further submits that the executing Court has wrongly

relied upon the judgment of Hon'ble Supreme Court in *Asian Resurfacing of Road Agency Pvt. Ltd. and another Vs. Central Bureau of Investigation : 2018(2) RCR (Criminal) 415* as the ratio of law laid down therein applies only to trial and not to execution proceedings.

Heard and perused the material on record including the impugned order.

In view of the submissions made by learned counsel, the impugned order dated 29.08.2017 (Annexure P-2) is set aside and the execution of the impugned judgments and decrees shall remain stayed only till the next date of hearing in RSA-4084-2017 i.e. 06.05.2022.

The instant revision petition is allowed accordingly.

06.04.2022

Vinay

(MANJARI NEHRU KAUL)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether reportable        | : | Yes/No |