

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

206/2

**CR No. 3273 of 2019 (O & M)
Date of decision : 5.9.2022**

Rita Sachdeva**.....Petitioner**

Vs.

Sukhdeep Singh and others**.....Respondents****CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Aalok Jagga, Advocate, for the petitioner
Mr. Rajdeep Singh Chugh, Advocate, for respondent No.1
Mr. Aman Sharma, Advocate, for respondent No.2
Mr. D.K. Singla, Advocate, for respondent No.3

TRIBHUVAN DAHIYA, J. (Oral)

1. This revision petition has been filed under Article 227 of the Constitution of India for setting aside the order dated 1.2.2019 (Annexure P-14) passed by the Executing Court, in Execution Application No. 450 of 2017 pertaining to Civil Suit No. 31 dated 11.2.2011, by which application for stay of execution in the light of interim order dated 20.9.2018 (Annexure P-7) passed in CR No. 6350 of 2018, was dismissed.

2. As per facts apparent on record, on account of pendency of the connected CR No. 6350 of 2018, wherein the issue to be adjudicated was as to whether the petitioner's application seeking leave to file appeal against the judgment and decree dated 20.1.2017 was rightly declined by the lower Appellate Court. Therefore, the proceedings before the Executing Court

were ordered to be adjourned beyond the date fixed in appeal pending before the Additional District Judge, Ludhiana (lower Appellate Court).

3. Since by order of even date in the connected CR No. 6350 of 2018, the order dated 9.4.2018 passed by the lower Appellate Court declining the leave to appeal as indigent person, has been set aside and the case has been remanded to the lower Appellate Court with a direction to decide the application filed by the petitioner under Order 44 Rule 1 CPC afresh, in accordance with law and the procedure laid down, therefore, the instant revision petition is disposed of by directing the Executing Court to adjourn the execution petition (Annexure P-14) bearing EA No. 415 of 2017 *sine die*, to be taken up after decision of the lower Appellate Court on the petitioner's application under Order 41 Rule 1 CPC in terms of the order passed today in CR No. 6350 of 2018.

4. All the pending miscellaneous applications, if any, stand disposed of accordingly.

(TRIBHUVAN DAHIYA)
JUDGE

5.9.2022
Ashwani

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No