

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 110

Civil Revision No.4588 of 2022 (O & M)
Date of Decision: *November 10, 2022*

Jai Kumar @ Ajay Kumar Sharma

..... PETITIONER(S)

VERSUS

Manoj Kumar

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. Kanhiya Soni, Advocate, for the petitioner.

. . .

Tribhuvan Dahiya, J (Oral)

This revision petition under Article 227 of the Constitution of India has been filed for setting aside order dated 07.09.2022 (Annexure P-7) passed by the executing Court dismissing the petitioner-judgment debtor's objections to execution of the decree dated 31.07.2018 passed in suit for specific performance against him, on the ground that there is no stay on the execution proceedings despite an appeal challenging the judgment and decree having been filed by the judgment debtor.

Learned counsel for the petitioner submits that alongwith the appeal filed before the lower appellate Court challenging judgment and decree dated 31.07.2018 passed by the trial Court, an application seeking stay on its operation was also filed, which has been placed on record as Annexure P-3, dated 23.01.2019. It is further contended that despite application having been filed in January 2019, it has not been decided by the

lower appellate Court so far. Now the case stands adjourned to 20.01.2023 for consideration on the application for stay.

In the aforesaid facts, the lower appellate Court is directed to decide the application dated 23.01.2019 filed by the petitioner/judgment debtor under Order XLI Rule 5 read with Order XXXIX Rules 1 and 2 CPC seeking stay on operation of judgment and decree dated 31.07.2018 passed by the trial Court, on the next date of hearing, i.e., 20.01.2023.

Till then execution proceedings shall remain stayed.

Disposed of.

Since the main petition itself stands decided, all pending applications, if any, are disposed of as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

November 10, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No