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

CR-5953-2022 (O&M)

Date of Decision: December 21, 2022

Jangir Ram and another

..... Petitioners

Versus

Sukhdev Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Karan Garg, Advocate for the petitioners.

HARKESH MANUJA,J. (ORAL)

Present revision petition has been filed at the instance of petitioners/ judgment debtors (hereinafter referred to as 'the petitioners') impugning an order dated 23.09.2022 passed by the Executing Court; whereby objections filed at their instance have been dismissed, besides even praying for issuance of a direction to the first Appellate Court to decide their appeal or stay application pending before it, arising out of the judgment and decree dated 10.02.2021 passed against them.

Brief facts of the case are that in a suit for possession by way of specific performance filed at the instance of respondent, a decree came to be passed in his favour by the trial Court on 10.02.2021. Based thereupon, the respondent filed an execution application; whereas the petitioners filed an appeal claiming themselves to be indigent persons and along with the same also prayed for stay of judgment and decree passed by the trial Court.

First Appellate Court issued notice in the appeal along with the stay application as well as in the application filed on behalf of the petitioners for seeking condonation of delay in filing their first appeal, besides even calling a report from the District Magistrate concerned as regards their status of being indigent persons.

Referring to the zimni orders passed by first Appellate Court, learned counsel for the petitioners submits that the matter now stands referred to Mediation and Conciliation Centre vide order dated 04.11.2022 so as to explore the possibility of compromise between the parties; whereas on the other hand, the objections filed at the instance of petitioners have been dismissed by the Executing Court by passing order dated 23.09.2022. Learned counsel further submits that on the one hand, matter has been referred to Mediation and Conciliation Centre; whereas on the other, proceedings before the Executing Court are still continuing; wherein the respondent-decree holder is pressing for execution of the judgment and decree dated 10.02.2021.

I have heard learned counsel for the petitioners and gone through the paper-book. I find substance in the submissions made on behalf of the petitioners.

Once the matter already stands referred to Mediation and Conciliation Centre as per the orders passed by the learned first Appellate Court by keeping pending adjudication upon an application filed at the instance of petitioners for seeking grant of stay of judgment and decree dated 10.02.2021, it may not be appropriate to continue with the execution proceeding as the same may cause serious prejudice to the rights of the petitioners and may even put undue pressure upon them

so as to settle the dispute with the respondent under compelling circumstances there by vitiating the whole process of mediation.

Considering the aforesaid facts and circumstances, I deem it appropriate to direct the learned first Appellate Court to take a decision on the three applications filed at the instance of petitioners i.e. (i) application seeking condonation of delay; (ii) application for pursuing their appeal as indigent persons; and (iii) application filed at their instance for grant of stay of judgment and decree dated 10.02.2021 passed by the trial Court either on the next date of hearing or on any other date as per its convenience and till then the proceedings before the Executing Court shall remain stayed, however, the proceedings before the mediation may go on in the meanwhile.

Revision petition is disposed of in the manner indicated above.

Keeping in view the nature of proceedings, the present petition is being decided without issuing notice to the respondent, least it may delay the proceedings before the appellate Court.

However, in case, the respondent finds any misstatement on the part of the petitioners, he would be at liberty to approach this Court by moving an appropriate application.

December 21, 2022
sanjay

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>