

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

126

2023:PHHC:143419

CR-2234-2019

Date of decision: 09.11.2023

**UDASI DHARAMSHALA/ UDASI DERA
THROUGH ITS MAHANT RANBIR DASS**

..Petitioner

Versus

SADHU SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.K. Aurora, Advocate for the petitioner.

Ms. Sarika Gupta, Advocate for respondent.

ANIL KSHETARPAL, J(Oral)

1. The petitioner herein is a decree holder. There is a decree for possession in favour of the petitioner. The Executing Court has stayed the execution petition on the ground that some interim order has been passed in the writ petition. The learned counsel representing the petitioner submits that the property that is the subject matter of the writ petition is different from the suit property in this case.

2. A perusal of the impugned order shows that this aspect has not been examined by the Executing Court.

3. Keeping in view the aforesaid facts, the impugned orders are set aside. The Executing Court is requested to decide the application afresh after examining the suit property involved in the civil suit as well as the property involved in the writ petition.

4. Moreover, a connected regular second appeal filed by the respondent (judgment debtor) has been dismissed by an order of the even date.

5. With these observations, the present petition is disposed of.

6. All the pending miscellaneous applications, if any, are also disposed of.

November 09th, 2023

(ANIL KSHETARPAL)
JUDGE

Ay
Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*