

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

Sr. No.143

CR-2272-2023

Date of Decision: 21.11.2023

**SHAMSHER SINGH (SINCE DECEASED) THROUGH HIS LEGAL
REPRESENTATIVE, JASVIR SINGH**

....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Harinder Pal Singh Ishar, Advocate,
for the petitioner.

Mr. Yadwinder Singh Bhangu,
Assistant Advocate General, Punjab,
for contesting respondents No.1 and 2.

ARCHANA PURI, J. (Oral)

The petitioner has invoked the jurisdiction of this Court under Article 227 of the Constitution of India for issuance of direction to learned Executing Court to decide Execution Application No.371 of 2018 dated 01.10.2018, which is pending before Civil Judge (Senior Division), Hoshiarpur.

Status report was called from the concerned Court and the same has been received, wherein, the Presiding Officer has mentioned about objections having filed by the Judgment Debtors on 01.08.2023 and the case was further adjourned for consideration to 10.08.2023. On 10.08.2023, objections were dismissed by the concerned Court and the case was further adjourned to 18.08.2023, for which date, report was called from the Judgment Debtors, with regard to issuance of conveyance deed(s), in favour of the Decree-Holder.

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However, as per the said status report, on 18.08.2023, report was not received from the Judgment Debtors and again report was called from the Judgment Debtors for 02.09.2023. This was the status, at the time of furnishing of the report by the Presiding Officer.

On query, it has been disclosed by learned counsel for the petitioner that till date, no further proceedings have been conducted and no report has been received, as earlier asked vide order dated 18.08.2023.

In the given circumstances, learned State Counsel submits that the decree, which was passed by the Court was an *ex parte* decree and an application under Order 9 Rule 13 CPC, was filed by the State, which was dismissed by learned Lower Court. Furthermore, it is submitted that the State intends to file Civil Revision petition to challenge the same and it is only on this account, that the conveyance deed has not been issued.

However, it is pertinent to mention that prospective action, which State intends to take, is no ground to halt the execution. Mere filing of the appeal/revision (if any), does not automatically amount to stay of the proceedings, unless and until, the order of stay is passed by any specific Court in the proceedings (if any), in the action initiated at the instance of the State.

In the given circumstances, learned Executing Court is expected and desired to proceed further with the execution, unmindful of the prospective action intended to be taken by the State.

In view of the same, present revision petition stands disposed of.

21.11.2023
HimAnshu

(ARCHANA PURI)
JUDGE

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