

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CR-4590-2023 (O&M)

Date of Decision: 5.12.2023

Kawaljit Singh @ Kanwaljit Singh

....Petitioner

VERSUS

Anoop Khullar and another

....Respondents

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Rakesh Chopra, Advocate and
Mr. Jashan Chopra, Advocate,
for the petitioner.

Mr. Rakesh Sobti, Advocate,
for respondent No.1.

KARAMJIT SINGH, J. (Oral)

Counsel for the petitioner has produced copy of order dated 16.11.2023 whereby the operation of the impugned judgment and decree dated 30.7.2022 has been stayed by the appellate Court of Additional District Judge, Fatehgarh Sahib in Civil Appeal No.113 of 2022 Bikram Batta v. Anoop Khullar.

2. On the other hand, counsel for respondent No.1 submits that no doubt, operation of the impugned judgment and decree has been stayed but the present petitioner is not party to the aforesaid appeal.

3. Admittedly, as the operation of the impugned judgment and decree dated 30.7.2022 has been stayed by the first Appellate Court, the executing Court cannot proceed ahead with the execution proceedings till vacation of the aforesaid stay order. So, no purpose will be served by keeping pending the present petition.

4. Counsel for the petitioner submits that he is mainly aggrieved by orders Annexures P-1 and P-3 passed by the executing Court whereby sale warrants of the property of the petitioner were issued on the basis of wrong calculations (Annexure P-2) which are beyond the impugned judgment and decree. It is further submitted that the executing Court cannot go beyond the aforesaid judgment and decree dated 30.7.2022.

5. In view of above, the present petition is hereby disposed of with liberty to the petitioner to revive the same in future in case any cause of action survives. However, it is made clear that the executing Court cannot go beyond decree dated 30.7.2022 and has to make calculation only as per the rate of interest which is given in the said decree and not beyond that.

(KARAMJIT SINGH)
JUDGE

December 5, 2023
Paritosh Kumar

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