

2024:PHHC:048884

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

**CR-2143-2024 (O&M)**  
Date of decision: 09.04.2024

Punjab State Transmission Corporation Limited  
....Petitioner

Versus

Kuldip Kaur and others  
..Respondents

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present:- Mr. Sanjeev Sharma, Advocate for the petitioner

**ANIL KSHETARPAL, J (Oral)**

1. The petitioner herein is a State Government's Public Undertaking which is in the business of transmission of electricity. In a suit for recovery of Rs.7,50,000/- for erection of high voltage pillars, a decree has been passed in favour of the plaintiff (respondent) and against the petitioner on 27.09.2022, against which the first appeal is stated to be pending on 26.04.2024. Learned counsel representing the petitioner submits that on the one hand, the First Appellate Court has not decided the application for grant of stay whereas on the other hand, the Executing Court has issued schedule of court auction of the petitioner's property. He submits that the petitioner is an instrumentality of the State, which owns huge immovable property. He submits that if the property is auctioned without deciding the application for grant of stay, during the pendency of the first appeal, the petitioner shall suffer irreparable loss.

2. This Court has considered the submissions made by the learned counsel representing the petitioner

3. In such cases, the Executing Court is required to read cautiously, particularly when injunction application before the First Appellate Court is pending. The court should not mechanically pass an order of attachment and sale of property unless there are compelling reasons.

4. Keeping in view the aforesaid facts, the revision petition is disposed of with the direction that the First Appellate Court shall decide the application for injunction filed by the petitioner on or before 26.04.2024. In the meantime, there shall be stay on the sale of the property till 26.04.2024.

5. With these observations, the revision petition is disposed of. However, the respondent (plaintiff) shall have liberty to file an application for recall of this order, as the revision petition has been disposed of without hearing her.

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

09.04.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**

**JUDGE**