



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.138

CR-4527-2022

Date of Decision: 22.05.2024

DIWAN SINGH ALIAS BADAL SINGH

....Petitioner

Versus

GIAN KAUR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Ashish Rana, Advocate, for
Mr. Satinder K. Rana, Advocate,
for the petitioner.

Mr. Narinder S. Lucky, Advocate,
for the respondent.

ARCHANA PURI, J. (Oral)

Challenge in the present revision is to the order dated 19.09.2022, passed by learned Executing Court, whereby an application under Order 21 Rule 30 and 37 CPC, read with Section 151 CPC, filed at the instance of the respondent/Decree Holder, for seeking execution of the recovery decree, was allowed and conditional warrant of arrest of the petitioner/Judgment Debtor, was issued.

Learned counsel for the parties heard.



It is submitted by learned counsel for the petitioner that vide judgment dated 04.12.2018, the suit filed at the instance of the respondent was decreed against the present petitioner, for an amount of Rs.2,80,000/- with interest component. However, the petitioner had filed an appeal before learned Appellate Court and the same is still pending adjudication. Simultaneously, the respondent/Decree Holder had filed execution and during the pendency of the same, the impugned order has been passed.

On query, it has been submitted by learned counsel that the petitioner had also filed an application for grant of stay, along with the appeal, but however, no order as yet, has been passed, as the application for pauper is still pending. It is further submitted by learned counsel for the petitioner that he shall be satisfied if a direction is given to learned Appellate Court to dispose of the application for pauper, in a time bound manner and pass any appropriate order on the stay application.

On further query, it is submitted that report with regard to pauperism has already been received on 10.03.2023.

Such being the fact situation and considering the fact that appeal i.e. CA-13-2019, is fixed for 08.07.2024, the learned Appellate Court is hereby requested to dispose of the application for pauper, within a period of fifteen days, from the date already fixed i.e. 08.07.2024. After disposal of the pauper application, learned Appellate Court shall also pass any appropriate order, in accordance with law, on the stay application.

However, any order be passed by learned Appellate Court, without carrying any influence, with regard to observations made by this Court, in the present order.



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In the meanwhile, operation of the order dated 19.09.2022, shall remain stayed, till the decision of the pauper application and if the need so arises, qua the stay application.

In view of the aforesaid terms, the instant revision petition is hereby disposed of.

22.05.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No