



CR-6557-2024

-1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(122)

CR-6557-2024

Date of decision: - 19.11.2024

Janga @ Jangir Puri

....Petitioner

Versus

M/s Anil Kumar Satish Kumar and another

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. V.D. Sharma, Advocate
for the petitioner.Mr. Narayan Prasad Gupta, Advocate
for the respondents.

VIKAS BAHL, J. (ORAL)

1. Present civil revision has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 25.09.2024 (Annexure P-6) vide which the application dated 24.01.2024 (Annexure P-5) filed by the petitioner for staying the operation of judgment and decree dated 10.01.2024 (Annexure P-3) has been dismissed.

2. On 11.11.2024, this Court on the statement of learned counsel for the petitioner had passed the following order: -

“Inter alia, contends that in the present case, against the judgment dated 10.01.2024, the present petitioner has filed an appeal, in which notice was issued and the same has been filed within time and the same is now pending for 05.02.2025. It is



CR-6557-2024

-2-

submitted that the execution has also been filed by the respondent-plaintiff/decreed holder and the same is now fixed for 21.11.2024. It is further submitted that since the appeal is the first statutory appeal and the petitioner is ready to furnish adequate security, thus, till the said time the appeal is not decided, the execution of the judgment dated 10.01.2024 be stayed.

Notice of motion for 19.11.2024.

Notice re: stay as well.

Liberty is granted to the petitioner to serve the respondents through dasti process as well as through their counsel before the 1st Appellate Court or before the Executing Court.

To be shown in the urgent list.”

3. Learned counsel for the petitioner has reiterated the fact that the petitioner is ready to furnish the adequate security and thus, subject to the same, the execution of the judgment dated 10.01.2024 be stayed till the time the appeal is not decided.

4. Learned counsel for the respondent has submitted that before the 1st Appellate Court the petitioner was not prepared to give even adequate security and has further submitted that as per Order 41 Rule 5(5) of CPC, giving of security is a condition precedent for an order of staying the execution of the decree by the Appellate Court. It is further submitted that the petitioner thus be directed to furnish adequate security before the 1st Appellate Court within a period of two weeks from today and further the 1st Appellate Court be also requested to decide the appeal as expeditiously as possible.

5. Keeping in view the above-said facts and circumstances, the present revision petition is disposed of and the impugned order dated

25.09.2024 is modified to the following extent: -

- (i) In case, the petitioner furnishes adequate security with respect to the decretal amount alongwith interest as per the judgment and decree dated 10.01.2024, within a period of two weeks from today, to the satisfaction of the 1st Appellate Court, then, the execution of the said judgment and decree dated 10.01.2024 would remain stayed till the time the first appeal filed by the petitioner is decided.
- (ii) The 1st Appellate Court is requested to decide the appeal, which is now stated to be pending for 05.02.2025, as expeditiously as possible.
- (iii) Counsels appearing for all the parties before the 1st Appellate Court are also requested to fully assist the Court in expeditious disposal of the matter.
- (iv) It is made clear that in case the petitioner does not comply with the condition No.(i) within the aforesaid period, then, the present revision petition would be deemed to have been dismissed.

November 19, 2024
naresh.k

(VIKAS BAHL)
JUDGE

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