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

CR-7665-2017 (O&M)
Date of decision: 03.11.2025

Pardeep Puri

...Petitioner

Versus

M/s Yash Contracts

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Neha Rani, Advocate for the petitioner.

Ms. Apoorva Arya, Advocate for
Mr. Jagmohan Ghumman, Advocate for the respondent.

VIKAS BAHL, J. (ORAL)

1. This is a revision petition filed under Article 227 of the Constitution of India for setting aside the order dated 21.07.2017 (Annexure P-1) passed by the Civil Judge (Junior Division), Gurugram
2. A perusal of the paper book would show that the respondent had filed a suit for recovery of Rs.7,76,375/- with pendente lite and future interest @ 24% per annum on 05.05.2007. Vide judgment dated 18.05.2013, the said suit was decreed. A perusal of the said suit would show that the present petitioner who was defendant in the suit had initially appeared but was later on proceeded against ex parte vide order dated 30.08.2012.
3. Learned counsel for the petitioner has very fairly submitted that the petitioner did not file any application under Order 9 Rule 13 CPC for setting aside the said decree.
4. On 15.11.2017, a Coordinate Bench of this Court had passed the following order:-

“Present: Mr. Aman Pal, Advocate, for the petitioner.



Learned counsel for the petitioner contends that against the civil court decree dated 18.05.2013, an appeal has been preferred before the lower Appellate Court along with application for condonation of delay as well as for stay of execution of decree. Notice has already been issued for 30.11.2017 by the lower Appellate Court.

Learned counsel further contends that under Order 21 Rule 26 CPC, the Executing Court is empowered to stay execution of a decree for a reasonable time in order to enable the judgment debtor to seek an appropriate relief from the appellate Court.

Learned counsel relies upon Narinder Kumar vs M/s M.K. Electronics, 2010(5) RCR (Civil) 967.

Notice of motion for 20.03.2018.

Till the next date of hearing, the Executing Court is directed to adjourn the proceedings beyond the date fixed by this Court. 15.11.2017”

5. Learned counsel for the petitioner has submitted that the petitioner is not aware of an appeal having been filed or whether a final order has been passed in the same.
6. Keeping in view the abovesaid facts and circumstances, the present revision petition is disposed of with liberty to the petitioner to revive the same after enquiring about the latest position with respect to the appeal filed by the petitioner, if any, against the judgment and decree dated 18.05.2013 and in case any cause survives.
7. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

03.11.2025

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No