



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-2521-2025(O&M)
Date of decision: 10.12.2025

Sewa Singh

... Petitioner

Versus

Bachni and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Prateek Pandit, Advocate,
for the petitioner.

Mr. Vijay Rana, Advocate,
for respondents No.1 to 3.

Ms. Kanwal S. Walia, Advocate,
for respondent No.6.

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, seeks a direction to the Court of Additional District Judge, Kapurthala, to decide Civil Appeal No.71 of 2025, titled as “**Sewa Singh Vs. Bachni and others**” along with the stay application, in a time-bound manner.

2. A civil suit for possession by way of specific performance of agreement to sell dated 17.07.2017 was filed by the respondents/plaintiffs (Bachni, Kulwant Singh and Paramjit Kaur) against the petitioner/defendant. The said suit was decreed by way of judgment and decree dated 16.01.2024 (Annexure P-1), passed by the Court of Civil Judge (Jr. Division), Sultanpur Lodhi, District Kapurthala, and alternate relief for recovery of earnest



money amounting to Rs.5,00,000/- along with interest @ 8% per annum from the date of filing of the suit till its realization was ordered.

3. Aggrieved by the said decision, an appeal (Annexure P-3) was filed along with an application for condonation of delay of 41 days in filing the appeal. The appeal was also accompanied by an application under Order 41 Rule 5 CPC for the grant of stay (Annexure P-4).

4. The appeal came up for hearing for the first time before the Court of Additional District Judge, Kapurthala on 18.04.2024, when, notice in the application for condonation of delay was issued for 30.05.2024. Vide order dated 18.03.2025 (Annexure P-14), the delay in filing the appeal was condoned and the appeal was ordered to be admitted. The matter was thereafter adjourned to 11.07.2025. Concededly, no decision on the stay application was taken.

5. The petitioner, in the meanwhile, filed the instant revision petition with a prayer that the first Appellate Court be directed to decide the appeal in a time-bound manner.

6. On 28.04.2025, the following order was passed:-

“Learned counsel for the petitioner submits that though the first appeal filed by the petitioner against the judgment and decree dated 16.01.2024 was admitted by the Court of learned Additional District Judge, Kapurthala vide order dated 18.03.2025, the application for stay was not decided. He submits that in an execution petition filed pursuant to the judgment and decree having been passed, the land of the petitioner has been attached.



**Notice of motion to respondents No.1 to 3 only
at this stage for 10.07.2025.**

**Liberty is granted to the petitioner to serve the
respondents through counsel representing them before
the First Appellate Court.**

**Subject to the petitioner furnishing a bank
guarantee to the tune of 5,00,000/- before the
executing Court, no coercive action shall be taken till
the next date of hearing.**

To be shown in the urgent list.”

7. I have heard learned counsel for the parties. The Court has been informed that the appeal is now listed for hearing on 11.02.2026.

8. Learned counsel for the petitioner submits that a direction be issued to the Court concerned to decide the appeal in a time-bound manner and to take a decision on the stay application as well.

9. Mr. Vijay Rana, learned counsel for respondents No.1 to 3, on the other hand, submits that the appellant has been seeking adjournments in the appeal. Reference has been made to the orders passed by the Court of Additional District Judge, Kapurthala on 11.07.2025 and 27.11.2025.

10. Ms. Kanwal S. Walia, learned counsel for respondent No.6, submits that the applicant (in the application for impleadment) is the auction purchaser and that his rights are being prejudiced on account of delay in the decision of the appeal and the stay granted by this Court.

11. Concededly, the appeal before the first Appellate Court is now pending for 11.02.2026. Having considered the submissions made by learned counsel for the parties, this Court is not inclined to fix a time period for the decision of the appeal. However, the first Appellate Court should



have taken a decision on the stay application, for in a first appeal, all questions of facts and law are to be considered by the first Appellate Court, which is also the last Court of facts.

12. That being so, the present revision petition is disposed of with a direction to the Court of Additional District Judge, Kapurthala, where Civil Appeal No.71 of 2025, titled as “**Sewa Singh Vs. Bachni and others**” is pending, to decide the application for stay on the date fixed, i.e. 11.02.2026. Till then, the interim order passed by this Court shall continue to operate.

13. Pending application(s), if any, also stands disposed of.

(**Vikram Aggarwal**)
Judge

December 10, 2025

Rajan

Whether speaking / reasoned:
Whether Reportable:

Yes/No
Yes/No