



CR No. 5459 of 2025 **1**

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

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**CR No. 5459 of 2025
DATE OF DECISION :- 18.08.2025**

Raj Kumar

...Petitioner

Versus

Buta Ram and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Amit Dhawan, Advocate for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. Vide this petition under Article 227 of the Constitution of India order dated 17.07.2025 passed by learned Civil Judge, Jalandhar has been assailed whereby sale warrants have been issued to recover the amount as per judgment and decree dated 27.11.2018. The petition has been filed on the allegations that impugned order is illegal, null and void and the learned Magistrate has committed material jurisdictional error by issuance of sale warrants in fact the suit was result of connivance with plaintiff and defendants No. 1 and 2 and in that suit for recovery, respondent No. 1 plaintiff pleaded that defendant Firm has committed default in the loan accounts and the loan account has been declared NPA. Defendant Ram Parkash approached plaintiff seeking financial help to the tune of Rs.18 lakh. A loan of Rs.18 lakh was advanced to the Firm and plaintiff pleaded that defendant failed to pay the amount, hence the suit.

2. This suit was contested by petitioner whereas defendant Ram Parkash admitted the claim of plaintiff. The suit was decreed vide judgment



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dated 27.11.2018. Appeal has been filed which is pending before learned District Judge, Jalandhar along with an application seeking permission to file suit as indigent person along with another application for stay of the execution proceedings. The petitioner has already addressed arguments on the application seeking permission to sue as indigent person. In execution proceedings petitioner prayed for stay by filing objection petition. An application under Order 21 Rule 66 of CPC was filed by the decree holder for sale of the property of the petitioner. The petitioner submitted reply. Learned Civil Judge, Senior Division, Jalandhar dismissed the objections and ordered attachment of the property of the Firm. Decree holder has made statement that out of the decretal amount he has received 50% of the amount from judgment debtor Ram Parkash through his LRs. The remaining decretal amount along with interest is to be paid by the petitioner. Sale warrants have been issued for sale of the property of the Firm of the petitioner. The impugned order is liable to be quashed as the learned Civil Judge has not taken care of the fact that appeal is pending with learned Additional District Judge, Jalandhar and that substantial questions arisen in the appeal.

3. I have heard arguments made by learned counsel for the petitioner and perused the paper book.

4. Vide impugned order the learned Civil Judge, Senior Division, Jalandhar as Executing Court has ordered sale of the attached property of JD Firm. No doubt appeal is pending against the judgment and decree under execution but it is settled law that mere pendency of appeal is not a ground to stay the execution proceedings. Execution proceedings are to be expeditiously disposed of. It was for the petitioner to seek order from the learned Appellate Court for stay of the execution proceedings but admittedly



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there is no stay order granted by the learned Appellate Court in favour of the petitioner, as such the impugned order does not suffer from any material jurisdictional error and does not call for any interference.

5. The appeal is dismissed accordingly.

(VIRINDER AGGARWAL)
JUDGE

18.08.2025
P.Singh

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No