



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

(115)

CR-5586-2025Date of Decision:-**21.08.2025**

MUNICIPAL COUNCIL, NARNAUL

... Appellant

Versus

RAVINDER KUMAR AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Sharad Aggarwal, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1 This petition under Article 227 of the Constitution of India has been preferred against order dated 09.07.2025 passed by learned Civil Judge, Senior Division, Narnaul, whereby the objections filed by the petitioner has been dismissed and warrants of attachment of the property has been issued. A suit was decreed and petitioner was directed to provide basic amenities like pucca road, street light, water and sewerage connection etc. to the residents of residential colony of suit property within three months of passing of the decree and thereafter petitioner had filed objections claiming that unapproved colony has come up on the land and Judgment Debtor are unable to comply with the judgment and decree in question. Furthermore, the Objector can only provide road and street lights in authorised areas and work for providing facilities of sewerage and water connection is within the purview of public health department. The objections were dismissed vide impugned order by recording the finding that the Executing Court cannot go behind the decree.

2. There is no material illegality in the impugned order passed by learned Civil Judge. Considering the fact that petitioner has preferred an appeal



with an application for condonation of delay before the First Appellate Court and his application for condonation of delay is pending and he is assailing the judgment and decree on the ground that colony which has come up is unapproved and in case decree is executed then public money has to be spent on the same. In view of the provisions of Order 21 Rule 26 of CPC, the Executing Court can grant the relief to JDs by staying the execution till the appeal is preferred by the JDs. In the present case, JDs has already shown their intention to prefer the appeal as, an application for condonation of delay along with Memorandum of Appeal has already been submitted before the First Appellate Court, so, in such circumstances, interest of justice warrants that execution of the decree be stayed till the decision of application for condonation of delay by the learned First Appellate Court as only then the petitioner would be able to press for stay application filed before the First Appellate Court.

3. Accordingly, the petition is allowed and impugned order is modified accordingly.

21.08.2025
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

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