



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(123)

CR No. 6716-2025

Date of Decision : 19.09.2025

Kewal Singh

...Petitioner

Versus

Ajit Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Nitin Kaushal, Advocate for the petitioner.

Amarinder Singh Grewal, J. (Oral)

1. The present Civil Revision Petition has been filed under Article 227 of the Constitution of India read with Section 115 of the Civil Procedure Code, 1908 for setting-aside the impugned order dated 08.09.2025 (Annexure P-22) passed by the learned Executing Court, Narnaul in case EXE/9/2021 titled as ***Ajit Singh Vs. Kewal Singh***, by the learned Civil Judge (Sr. Divn.), Narnaul directing the attachment and auction of the petitioner's property.

2. Learned counsel for the petitioner submits that respondent–Ajit Singh had filed a suit for recovery of ₹5,10,000/- along with interest against the petitioner–defendant Kewal Singh, which was decreed on 06.04.2019. Aggrieved therefrom, the petitioner–defendant preferred an appeal before the learned District Judge, Narnaul, which was thereafter entrusted to the Court of the learned Additional District Judge, Narnaul on 04.05.2019. It is further submitted that along with the appeal, the petitioner moved an application



under Order 41 Rule 5 CPC and notice thereof was duly issued to the respondent–plaintiff Ajit Singh. However, despite the lapse of more than six years, the said stay application has not been decided. Rather, in the meantime, the decree-holder/respondent–plaintiff filed an execution application before the learned Civil Judge (Sr. Division), Narnaul, wherein objections preferred by the judgment-debtor/petitioner–defendant were dismissed vide order dated 05.08.2025. Consequent thereto, the property of the petitioner–defendant was attached and put to auction by virtue of the impugned order dated 08.09.2025. It is thus contended that it was incumbent upon the learned Additional District Judge to have considered and decided the stay application in the pending appeal, as non-adjudication thereof has directly prejudiced the valuable rights of the petitioner–defendant.

3. On hearing the submissions of the learned counsel for the petitioner-defendant, the impugned order dated 08.09.2025 (Annexure P-22) passed by the learned Civil Judge (Sr. Divn.), Narnaul is hereby stayed. Learned Additional District Judge, Narnaul is directed to decide the application under Order 41 Rule 5 CPC as well as the appeal in accordance with law expeditiously.

4. Civil Revision Petition is disposed of in above terms.

September 19, 2025
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No