

CR-7240-2023

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2025:PHHC:157172



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CR-7240-2023

Date of decision : 13.11.2025

M/s Weldon Celloplast Limited

... Petitioner

Versus

Sandesh Jain and another

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Karan Bhardwaj, Advocate and
Mr. Pardeep Kumar, Advocate
for the petitioner.

Mr.Kunal Muthreja, Advocate and
Mr.Pulkit Dagar, Advocate
for respondent no.1.

VIKAS BAHL, J.(ORAL)

1. This is a Civil Revision Petition filed under Article 227 of the Constitution of India for setting aside the order dated 21.11.2023 (Annexure P-7) passed by the Civil Judge (Jr.Div.), Gurugram, vide which an application filed by the petitioner under Order 21 Rule 26 CPC has been dismissed.

2. Learned counsel for respondent no.1 has submitted that although the provision of Order 21 Rule 26 CPC is to be applied in a situation where the aggrieved person needs sometime to apply to the

Appellate Court or the trial Court for grant of stay and the said provision is



not to be construed as a provision for grant of stay for an indefinite period of the execution proceedings. It is however submitted that since the application under Order 9 Rule 13 CPC was filed in the year 2023 and it is at the stage of the evidence, thus, respondent no.1 would be satisfied in case, in view of provisions of Order 21 Rule 26 (3) CPC, adequate security is furnished by the petitioner / judgment debtor so as to secure the decree in favour of respondent no.1 and the execution proceedings are stayed till the time the application under Order 9 Rule 13 CPC is decided.

3. Learned counsel for the petitioner has submitted that he has no objection to the said course of action but has prayed that the impugned order be set aside and the matter be disposed of.

4. Keeping in view the above said facts and circumstances and the fair stand taken on behalf of the learned counsel for the respondent no.1 as well as learned counsel for the petitioner, the present petition is partly allowed and the impugned order dated 21.11.2023 is set aside with the following observations / directions:-

i) The petitioner would, within a period of 3 weeks from today, furnish adequate security so as to secure the money decree passed in favour of respondent no.1. In case the said security is not given to the satisfaction of the Executing Court within the aforesaid period, then, the present revision petition would be deemed to have been dismissed.

ii) The Executing Court would either adjourn the execution



proceedings till the time the application under Order 9 Rule 13 CPC filed by the present petitioner is pending or would dispose of the execution proceedings granting liberty to respondent no.1-decree holder to file a fresh execution after the decision in the application under Order 9 Rule 13 CPC, if need arises. In case the second execution is filed, the petitioner would not question the maintainability of the said execution proceedings on the ground that the earlier execution proceedings had been disposed of.

iii) Further orders passed in the execution or in case the execution proceedings are disposed of, in the second execution proceedings would depend upon the orders passed under Order 9 Rule 13 CPC.

(VIKAS BAHL)
JUDGE

November 13, 2025.
Davinder Kumar

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