



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

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CR-7628-2025

Date of Decision: 03.11.2025

Sonu Devi Jha

...Petitioner

V/s

Davinder Kumar Puri and others

...Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. G.S. Sandhu, Advocate, for the petitioner.

Ms. Monika Thakur, Advocate, for the respondents.

VIKRAM AGGARWAL, J (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, seeks a direction to the Court of Addl. District Judge, Ludhiana to decide the application dated 30.07.2025 (Annexure P-4) filed by the petitioner along with the appeal for staying the execution proceedings arising out of an *ex parte* judgment and decree dated 16.07.2018 (Annexure P-1) passed by the Court of Civil Judge (Jr. Divn.), Ludhiana.

2. Shorn of unnecessary details, the facts as emanating from the revision petition, are that a suit for declaration filed by the respondents-plaintiffs (Davinder Kumar Puri and others) against the petitioner-defendant (Smt. Sonu Devi Jha) was decreed *ex parte* vide judgment and decree dated 16.07.2018 (Annexure P-1) passed by the Court of Civil Judge (Jr. Divn.), Ludhiana. Notably, in the said case, as has been mentioned in the said judgment and decree, the defendant did not put in appearance despite service by way of publication and was accordingly proceeded against *ex parte* vide order dated 17.10.2017.

3. An application under Order 9 Rule 13 of the Code of Civil Procedure, 1908 (for short "CPC") was instituted by the petitioner. However,



the same came to be rejected vide judgment dated 21.07.2025 (Annexure P-2) passed by the Court of Civil Judge (Jr. Divn.), Ludhiana.

4. Aggrieved by the same, an appeal (Annexure P-3) along with an application for stay (Annexure P-4) was filed before the Court of Addl. District Judge, Ludhiana. The said appeal is now pending adjudication. The grievance of the petitioner is that despite a stay application having been filed in the said appeal, even notice of the same was not issued. Whereas, the first appellate Court should have decided the question of stay at the first instance, the same being seized of a first appeal filed by the petitioner. He submits that the execution proceedings are continuing and warrants of possession have been issued and that in case the question of stay is not decided, the petitioner shall suffer an irreparable loss. He further submits that till the question of stay is decided by the first appellate Court, the possession of the petitioner be protected.

5. Ms. Monika Thakur, Advocate puts in appearance on behalf of the caveators-respondents though notice of motion has not been issued. She submits that a caveat petition had been filed which was registered as well but the same has not been listed. Be that as it may, this Court permits learned counsel to appear on behalf of the respondents.

6. She opposes the prayer made by learned counsel for the petitioner and submits that the petitioner is adopting delay tactics and no relief deserves to be granted.

7. I have considered the submissions made by learned counsel for the parties.

8. Concededly, along with the appeal filed by the petitioner, an application for stay was also filed. However, none of the orders passed by the first appellate Court reflects any mention of the said application. Neither



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notice of the application was issued nor any decision was taken on the same. In the considered opinion of this Court, the first appellate Court should have dealt with the said application expeditiously. It appears that on account of non-service of the respondents therein, no decision could be taken on the said application.

9. On the asking of the Court, learned counsel for the respondents undertakes to appear in the appeal on the date to be fixed by the first appellate Court.

10. Keeping in view the facts and circumstance of the case, the present appeal is disposed of with a direction to the first appellate Court to prepone the hearing in the appeal to November 12, 2025. On the said date, the respondents therein shall put in appearance and the first appellate Court, after hearing learned counsel for the parties, shall take a decision on the issue of stay as expeditiously as possible.

Pending application(s), if any, shall also stand disposed of accordingly.

(VIKRAM AGGARWAL)
JUDGE

November 03, 2025

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No