



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

CR-7657-2025 (O&M)

Date of decision: 30.10.2025

GURDIAL SINGH AND ANOTHER

....Petitioners

Versus

ASHOK KUMAR

....Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Lovejit Singh, Advocate,
for the petitioners.

HARPREET KAUR JEEWAN, J.

1. Prayer in the present Revision Petition filed under 227 of the Constitution is for setting aside the order dated 06.10.2025 (Annexure P-5), whereby, the application filed by the petitioner-Judgment Debtor (JD) for stay of execution proceedings till the period of harvesting of crops has been dismissed by the Executing Court-Additional Civil Judge (Senior Division) Dasyua, Hoshiarpur.

2. Learned counsel for the petitioner contends that as per the factual matrix, the respondent-plaintiff had filed a suit seeking vacant possession of the land measuring 15 kanal 17 marlas alongwith recovery of Rs.1,80,000/- as mesne profit from "Hari" 2011 to "Hari" 2014. The suit was decreed and the said decree was ultimately upheld by the Coordinate Bench of this Court in RSA No.2588-2022 vide order dated 02.12.2022 (Annexure P-3). The respondent-plaintiff filed execution petition wherein, the petitioner-JD moved an application for staying the execution proceedings, till the period of harvesting of the crops.

3. Learned counsel for the petitioner contends that the objection petition has been dismissed in a mechanical manner. There are 600 Popular Trees which are standing on the land in question and the petitioner had sown sugarcane crops which would be harvested in the month of March 2026 and has only prayed to protect the petitioner till the said harvest.

4. I have considered the aforesaid submissions and perused the paper-book.

5. The decree for possession on the basis of ownership in favour of the respondent-plaintiff was passed by the trial Court, which was contested and has become ultimately final by an order dated 02.12.2022 passed by this Court in RSA-2588-2022 (*ibid*). The counsel for the petitioner has informed that the order dated 02.12.2022 aforesaid has become final and has not been challenged by the petitioner. In such circumstances, the petitioner has already enjoyed possession of the land for almost 03 years. Harvesting is a continuous process. The equity is not in favour of the petitioner as he has already obstructed the respondent from enjoying the fruits of the decree. In such circumstances, the execution proceedings cannot be stalled merely on the ground that there is a crop standing over the land in question.

5. In view of the above facts and circumstances, this Court does not find any reasons to interfere with the well-reasoned order passed by the Executing Court.

6. There is no merit in the present petition and as such, same is hereby dismissed.

30.10.2025

Shruti/atul

(HARPREET KAUR JEEWAN)

JUDGE

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