

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

CR-1341-2026**Date of decision: 27.03.2026****Shiv Dayal**

. . . . Petitioner

Vs.**Mohan Lal**

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr.A.P. Bhandari , Advocate, for the petitioner.

DEEPAK GUPTA, J. (ORAL)

Petitioner herein is a decree-holder in execution bearing CIS No.Exe.288 of 2025 tiled Shiv Dayal Vs. Mohan Lal, pending before learned Civil Judge (Jr. Division), Yamuna Nagar at Jagadhri. He is aggrieved by the order dated 20.12.2025 (Annexure P6), whereby an application of judgment debtor to stay the execution proceedings, has been allowed.

2. Assailing the order dated 20.12.2025 (Annexure P6), learned counsel submits that ex parte decree for possession was passed in favour of the petitioner on 30.09.2024. Execution was filed by the decree-holder. However, in the meantime, judgment debtor-respondent moved an application under Order IX Rule 13 CPC by way of CM-258-2025, which is presently fixed for 23.04.2026. Learned counsel submits that the Executing Court could not stayed the proceedings only for the reason of pendency of the application under Order IX Rule 13 CPC by taking a recourse to Order XXI Rule 26 CPC because under Order XXI Rule 26 CPC, Executing Court can allow reasonable time to the Judgment Debtor to apply to the Court by which the decree was passed for an order to stay the execution.

3. Apart from above, learned counsel submits that as reply to the application under Order IX Rule 13 CPC has already been filed in CM-258-2025, he will be satisfied in case the concerned trial Court is directed to dispose of the application under Order IX Rule 13 CPC, expeditiously within time bound

manner and by giving two opportunities each to both the sides to lead the evidence on an application under Order IX Rule 13 CPC.

4.s Having considered submissions of learned counsel for the petitioner, this Court feels that the Executing Court could only permit the reasonable time to the JD to enable him to apply to the Court concerned to obtain an order of stay. Since application under Order IX Rule 13 CPC is already pending before the trial Court concerned, therefore the present petition is hereby disposed of with a direction to the trial Court, where application bearing CM-258-2025 under Order IX Rule 13 CPC is pending to dispose of the application for staying the execution proceedings, as expeditiously as possible preferably within one next month positively.

5. Since the order has been passed without issuing any notice to the respondent, therefore, the respondent will be at liberty to approach this Court, in case he feels aggrieved by the order.

27.03.2026

Vivek

(DEEPAK GUPTA)
JUDGE

<i>Whether Speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>No</i>