**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****129****CR-2292-2026 (O&M)****Date of decision: 11.03.2026****Ved Parkash (since deceased) through his Legal heirs ...Petitioner(s)****Vs.****Bank of Baroda****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

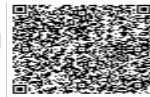
Present:- Mr. S.K.Sirsa, Advocate for the petitioners.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of Constitution of India has been filed by the defendant (since deceased) through his LRs for issuing directions to the learned Additional District Judge, Hisar to expedite/decide stay application dated 02.02.2026 (Annexure P-3) pending for 17.04.2026.

2. Learned counsel for the petitioners submits that there is urgency in the matter as the respondent/decreed holder has filed Execution Petition. It is submitted that it is a settled proposition of law that execution of a money decree for recovery during pendency of stay application, without adjudication of stay application, amounts to abuse of process. The Courts have repeatedly held that in such circumstances, status quo must be preserved to protect the sanctity.

3. Learned counsel for the petitioners further submits that the petitioners are not at fault for non adjudication of the stay application.



The stay application has remained undecided. A litigant cannot be allowed to take advantage of his own obstructionist conduct. Equity, fairness, and procedural justice demand that the respondent be restrained from executing the decree till the stay application is decided on merits.

4. It is further submitted by learned counsel for the petitioners that balance of convenience lies entirely in favour of the petitioner. No irreparable loss would be caused to the respondent by deciding the stay application, whereas execution of recovery would cause irreversible prejudice to the petitioner.

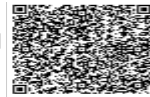
5. It is accordingly prayed that the present Revision Petition be allowed; and direction be issued to Addl. District Judge, Hisar to decide the application dated 02.02.2026 (Annexure P-3) filed by the petitioner in case titled **Bank of Baroda vs. Ved Parkash (deceased) through LRS**, wherein Execution No. EXE-175-2025 is pending adjudication.

6. No other argument is raised on behalf of the petitioners. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of Id. counsel for the petitioners.

7. Brief facts of the case in chronological order are as follows: -

26.10.2021: The respondent/plaintiff had filed a suit for recovery of Rs.4,08,116/- against the petitioners/defendants on dated 26.10.2021.

02.12.2024: The said suit of the respondent/plaintiff was decreed ex parte with costs vide judgment and decree dated 02.12.2024 (Annexure



P-1) holding the petitioners/defendants liable to pay an amount of Rs.4,08,116/- + interest, failing which Bank/decreed holder will be at liberty to recover the same as per law.

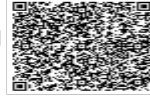
01.07.2025: Thereafter, the respondent had filed an Execution Petition bearing No. EXE-175-2025 on dated 01.07.2025 (Annexure P-2).

05.07.2025: Notice was issued to the petitioners in the Execution Petition vide order dated 05.07.2025 (Annexure P-4B) for 24.07.2025.

24.07.2025: It is recorded in the order dated 24.07.2025 (Annexure P-4C) that notice issued to JD has been received back with a report of incorrect address. Accordingly, notice to JD was issued again for 04.08.2025 on filing of correct address.

04.08.2025: On 04.08.2025 (Annexure P-4D), following order was passed:-

"Today, the case was fixed for issuing notice to JD. At this stage learned counsel for DH submitted that "suit for recovery" of an amount of Rs.4,08,116/- alongwith pendente lite and future interest at the rate of amount of Rs. 6% per annum was allowed on 02.12.2024 and execution petition has been filed within 2 years. Therefore, requirement of giving notice may kindly be dispensed with as per the provision of Order 21 Rule 22 (proviso) CPC. Heard. Keeping in view the fact that execution petition has been filed within two years of passing of decree. Therefore, the requirement of giving notice to JD is dispensed with, in view of the provision mentioned above. The DH has prayed for attachment of movable and immovable property as the mode of assistance



in compliance of order XXI Rule 11(2) CPC. Now, to come up on 25.08.2025 for filing list of property of JD.”

29.09.2025: Subsequently on 29.09.2024 (Annexure P-4H), list of property of judgment debtors was filed and accordingly, warrants of attachment were issued against the judgment debtors for 09.10.2025.

09.10.2025: On 09.10.2025 (Annexure P-4I) following order was passed:-

“Report regarding attachment of property of JD received. Learned counsel for DH stated at Bar that property of JD has been attached and requesting for issuing of sale warrants. Heard. Request allowed. Let, warrant of sale of property of JD be issued as per the schedule given below:

1.Notice at court gate: 18.10.2025

2.Notice at spot: 20.11.2025

3.Sale:28.11.2025

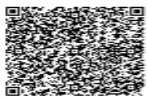
4.Report: 01.12.2025

Report of auctioneer be awaited for 01.12.2025.”

12.12.2025: Vide order dated 12.12.2025 (Annexure P-4K), conditional warrants were issued against judgment debtors No. 2 and 3, namely, Monu and Raman i.e. petitioners No.2 and 3 herein.

30.01.2026: Vide order dated 30.01.2026 (Annexure P-4O), it is recorded that judgment debtors No.1 and 2 i.e. petitioners No. 1 and 2 herein namely, Neelam and Monu had suffered joint statement to the effect that they will deposit entire amount to decree holder-bank till 09.02.2026.

02.02.2026: It is only at this stage on 02.02.2026, that the petitioners filed an application under Order 9 Rule 13 CPC read with Section 151



CPC to: (a) set aside exparte order dated 18.10.2023 vide which the petitioners had been proceeded against exparte; (b) set aside exparte judgment and decree dated 02.12.2024; and (c) for stay further proceedings in EXE-175-2025.

09.02.2026: On 09.02.2026 (Annexure P-4Q), petitioners failed to make the payment. Neither was anyone present on behalf of judgment debtors. Accordingly, conditional warrants were issued against petitioners No. 2 and 3 for 16.02.2026.

16.02.2026: On 16.02.2026 (Annexure P-4R), at request of the petitioners, matter was referred to mediation.

8. It is my clear view that the above said conduct of the petitioners does not call for issuance of any direction as prayed for. The above sequence of events shows that matter has been repeatedly delayed at the instance of the petitioners. Moreover, against the ex parte judgment and decree dated 2.12.2024, the petitioners have moved an application under Order 9 Rule 13 CPC only as recently as on 2.2.2026.

9. Hence, no ground is made out for exercise of the revisional jurisdiction of this Court. Accordingly, the present Civil Revision Petition is **dismissed**.

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

11.03.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

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