



CR-2118-2026 (O&M)

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

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CR-2118-2026 (O&M)

DATE OF DECISION: 06.03.2026

BOOTA SINGH

...PETITIONER

VERSUS

RAKESH KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. A.P. Kaushal, Advocate for the petitioner.

YASHVIR SINGH RATHOR, J. (ORAL)

1. This revision petition has been preferred under Article 227 of the Constitution of India for setting aside the order dated 04.02.2026 (Annexure P-9) vide which application moved by the petitioner/defendant under Order XXI Rule 26 of Civil Procedure Code (for short 'CPC') for staying the execution proceedings in Execution Petition No.1098 of 2025, till disposal of the Civil Appeal No.600/2025 filed by petitioner against the judgment and decree dated 30.04.2025 has been dismissed.

2. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondents.

3. I have heard the learned counsel for the petitioner/revisionist and have gone through the material on record.



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4. As per version of the petitioner/defendant, respondents filed a suit for specific performance of an agreement to sell which has been decreed vide judgment and decree dated 30.04.2025. Against the said decree, petitioner/defendant has instituted an appeal which is pending in the Court of learned Additional District Judge, Ludhiana and along with the appeal, he has moved an application for staying execution of the judgment and decree passed by the Trial Court. However, the Appellate Court has adjourned the case for filing of reply to the application for staying the execution of the judgment and decree which was fixed for 02.03.2026. In the meanwhile, the decree-holder has instituted an execution petition for execution of the aforesaid judgment and decree and even a draft sale deed has been filed by the decree-holder. The contention of the petitioner is that his appeal will become infructuous in case execution of the judgment and decree dated 30.04.2025 passed by the Trial Court is not stayed till disposal of the appeal.

5. The grievance of the petitioner/defendant is bonafide. Against the judgment and decree dated 30.04.2025, defendant/petitioner has already instituted an appeal well within limitation and has made a prayer for staying the execution of the judgment and decree passed by the Trial Court. However, neither the execution of the judgment and decree has been stayed nor the appeal has been disposed of. In case, the execution of the judgment and decree is not stayed and the same is implemented, the appeal will certainly become infructuous.



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6. Resultantly, the present revision petition is disposed of with a direction to the learned Appellate Court to decide the application moved by the petitioner seeking stay of execution of the judgment and decree dated 30.04.2025 passed by the Trial Court, at the earliest. Till the said application for staying the execution of judgment and decree is decided by the learned Appellate Court, the execution of the judgment and decree dated 30.04.2025, passed by the Trial Court, shall remain stayed.

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

06.03.2026
Vishal Vardhan

(YASHVIR SINGH RATHOR)
JUDGE

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