

CM-5029-CII-2026 IN/AND
CR-2137-2026

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2026:PHHC:035405



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CM-5029-CII-2026 IN/AND
CR-2137-2026

Date of Decision: 09.03.2026

CHANDER KANTA

..... Applicant-Petitioner

Versus

LAKHWINDER SINGH

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Pawan Attri, Advocate
for the applicant-petitioner.

YASHVIR SINGH RATHOR, J. (Oral)

CM-5029-CII-2026

The applicant-petitioner through instant application under Section 151 CPC is seeking permission to place on record zimni orders passed by the Court of District Judge, Kurukshetra in Civil Appeal No.74 of 2025 titled as “Chander Kanta Vs. Lakhwinder Singh”.

Allowed as prayed for.

Zimni orders passed by the Court of District Judge, Kurukshetra in Civil Appeal No.74 of 2025 titled as “Chander Kanta Vs. Lakhwinder Singh” are taken on record, subject to all just exceptions. Registry is directed to tag the same at an appropriate place.

CR-2137-2026

1. This revision petition has been preferred under Article 227 of the Constitution of India for setting aside the order dated 30.01.2026, vide which the objections filed by the petitioner/Judgment Debtor in Execution Petition No. EXE-41-2024 were dismissed, and the separate



order of even date, whereby the learned Executing Court appointed a Local Commissioner to execute the sale deed. These orders were passed during the pendency of Civil Appeal No. CA-74-2025 filed by the petitioner against the judgment and decree dated 18.11.2023.

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

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

4. As per version of the petitioner/defendant, the respondent/plaintiff filed a suit for possession by way of specific performance of an agreement to sell dated 28.04.2016, which was decreed by the learned Trial Court vide judgment and decree dated 18.11.2023. Against the said decree, the petitioner/defendant has instituted an appeal bearing Civil Appeal No. CA-74-2025, which is pending in the Court of learned District Judge, Kurukshetra. Along with the appeal, the petitioner moved an application under Order 41 Rule 5 CPC for staying the operation of the judgment and decree passed by the Trial Court. In the meanwhile, the decree-holder instituted an execution petition, and the learned Executing Court, vide impugned orders dated 30.01.2026, dismissed the petitioner's objections and directed the execution of the sale deed through a Local Commissioner.

5. The contention of the petitioner is that the appeal will be rendered infructuous in case the sale deed is executed through the Local Commissioner in Execution Petition No. EXE-41-2024 before the final



disposal of the pending appeal and stay application.

6. The grievance of the petitioner/defendant is bonafide. Against the judgment and decree dated 18.11.2023, the petitioner has already instituted an appeal and an application for stay is also pending. Neither the stay application has been disposed of nor has the appeal been decided. In case, the judgment and decree passed by the Trial Court is implemented by executing the sale deed during the pendency of the appeal, the statutory right of the petitioner will be frustrated and the appeal will certainly become infructuous.

7. 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 18.11.2023, 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 18.11.2023, and further proceedings in Execution Petition No. EXE-41-2024, including the execution of the sale deed by the Local Commissioner, shall remain stayed.

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

(YASHVIR SINGH RATHOR)
JUDGE

09.03.2026
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No