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

CR-2224-2026**Date of Decision: 09.03.2026****BHAGWANI**

..... Petitioner

*Versus***BALWAN SINGH**

..... Respondent

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Ravi Kumar Girdhwal, 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 05.02.2026 (Annexure P-5), vide which the application moved by the petitioner/defendant for staying the operation of the judgment and decree dated 08.10.2025 (Annexure P-1) during the pendency of Civil Appeal No. CA-262-2025 has been declined.

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 03.06.2019, which was

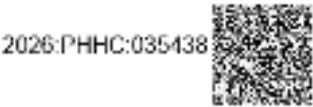


decreed by the learned Trial Court vide judgment and decree dated 08.10.2025. Against the said decree, the petitioner/defendant has instituted an appeal bearing Civil Appeal No. CA-262-2025, which is pending in the Court of learned Additional District Judge, Jhajjar. Along with the appeal, the petitioner moved an application for staying the execution of the judgment and decree passed by the Trial Court. However, the learned Appellate Court, vide impugned order dated 05.02.2026, declined the prayer for stay primarily on the ground that the sale deed has already been executed in the execution proceedings.

5. The contention of the petitioner is that the impugned order was passed on an incorrect factual premise, as the record of Execution Petition No. EXE-290-2025 indicates that the sale deed has not been executed as yet due to the pendency of a bank manager's report regarding a loan account. It is further contended that the pending appeal will be rendered infructuous if the execution of the judgment and decree is not stayed during its pendency.

6. The grievance of the petitioner/defendant is, thus, bonafide. Against the judgment and decree dated 08.10.2025, the petitioner has already instituted an appeal well within limitation. Neither the appeal has been disposed of nor has interim protection been granted to preserve the subject matter of the litigation. In case, the judgment and decree passed by the Trial Court is implemented 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 08.10.2025 afresh, 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 08.10.2025, and further proceedings in Execution Petition No. EXE-290-2025, 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