



140

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-2966-2026

Date of Decision: 06.04.2026

DAYA RAM SINCE DECEASED THROUGH HIS LR PRAVEEN
KUMAR

..... Petitioner

Versus

GIRIRAJ AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Amit Sharma (Kanav), Advocate with
Mr. Deepankur Sharma, Advocate and
Ms. Jaskiran Kaur Basi, 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 07.03.2026 (Annexure P-7), vide which the application moved by the petitioner/judgment debtor under Order XXI Rule 26 of CPC in Execution Petition No. 112 of 2025 titled '*Giriraj Vs. Daya Ram (since deceased) & Ors*' has been dismissed and further to stay the execution of the judgment and decree dated 29.08.2025 (Annexure P-1), until the final adjudication of the stay application in pending Appeal No. 315 of 2025.

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.

4. As per version of the petitioner/defendant, the respondent filed a suit for possession by way of specific performance, which was



decreed vide judgment and decree dated 29.08.2025 (Annexure P-1). Against the said decree, the petitioner/defendant has instituted an appeal which is pending in the Court of learned Additional District Judge, Nuh and alongwith the appeal, he has moved an application for staying the execution of the judgment and decree. However, the Appellate Court has adjourned the case for arguments on the application for condonation of delay and stay. In the meanwhile, the decree-holder has instituted an execution petition and the learned Executing Court, vide impugned order dated 07.03.2026 (Annexure P-7) has dismissed the application seeking stay of execution.

5. Learned counsel for the petitioner contended that he has instituted an appeal against the judgment and decree dated 29.08.2025 (Annexure P-1) in the Court of the learned Additional District Judge, Nuh, alongwith an application under Section 5 of the Limitation Act for condonation of delay as well as another application under Order 41 Rule 5 CPC for staying the execution of the judgment and decree passed by the Trial Court. Learned counsel further contended that in case, both the applications are not disposed of and the Executing Court enforces the decree, the appeal filed by him will become infructuous and he prayed that the execution of the judgment and decree dated 29.08.2025 (Annexure P-1) be stayed till disposal of the application for condonation of delay as well as the application under Order 41 Rule 5 CPC.

6. The grievance of the petitioner/defendant is, thus, *bonafide*. Against the judgment and decree dated 29.08.2025 (Annexure P-1), the defendant/petitioner has already instituted an appeal and has made a prayer for staying the execution of the judgment and decree. However,

neither the execution of the judgment and decree has been stayed nor the stay application in the appeal has been disposed of. In case, the judgment and decree is executed during the pendency of the appeal, 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 for condonation of delay in filing the appeal and application seeking stay of execution of the judgment and decree dated 29.08.2025 (Annexure P-1), at the earliest. Till the said application for condonation of delay and application for staying the execution are decided by the learned Appellate Court, the execution of the judgment and decree dated 29.08.2025 (Annexure P-1) and further proceedings in Execution Petition No. 112 of 2025 titled '*Giriraj Vs. Daya Ram (since deceased) & Ors*', shall remain stayed.

8. However, it is made clear that in case the learned Appellate Court does not condone the delay and the application under Section 5 of the Limitation Act is dismissed, the stay granted by way of this order shall automatically stand vacated.

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

(YASHVIR SINGH RATHOR)
JUDGE

06.04.2026
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Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No