



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

**CR No. 3211 of 2026 (O&M)
DATE OF DECISION: 21.04.2026**

AKASH DEEP SHARMA AND ANOTHER

.....PETITIONERS

Vs.

VARUN THAKUR

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Ashish Naik, Advocate,
 for the petitioners.

AMARINDER SINGH GREWAL, J.(ORAL)

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned orders dated 25.03.2026 and 02.04.2026 (Annexures P-10 & P-12, respectively), passed by the learned Civil Judge (Junior Division), Pathankot, in Execution Petition No. EXE-148-2025, titled *Varun Thakur vs. Akashdeep Sharma and others*, whereby warrants of arrest have been issued against the petitioners.

2. Brief facts of the case are that the respondent-plaintiff had filed a suit for recovery of ₹13,00,000/- against the present petitioners. Notice of the suit was issued to the present petitioners-defendants, who contested the same by filing a written statement. Issues were framed, and the parties led their respective evidence before the learned trial Court.



Ultimately, the suit of the respondent-plaintiff, Varun Thakur, was decreed vide judgment and decree dated 17.07.2019 (Annexure P-1).

2.1 The present petitioners thereafter filed an appeal before the learned District Judge, Pathankot (Annexure P-2), against the judgment and decree dated 17.07.2019 (Annexure P-1). Along with the appeal, an application under Order XLI Rule 5 of the Code of Civil Procedure, 1908 (Annexure P-3), for staying the operation of the impugned judgment and decree was also filed. The said application was contested by the respondent. The learned District Judge, Pathankot, vide order dated 13.10.2023 (Annexure P-4), directed the petitioners to furnish security in the sum of ₹.20 lakh within one month and ordered that, thereafter, the stay shall remain operative for six months.

2.2 Thereafter, the matter was adjourned on 07.12.2023 (Annexure P-5) to 23.01.2024. On the said date, the petitioners did not appear before the learned District Judge, and the appeal filed by them was dismissed in default for non-prosecution vide order dated 23.01.2024 (Annexure P-6).

2.3 Subsequently, the respondent-plaintiff filed an application under Order XXI Rule 11 CPC before the learned Executing Court (Annexure P-7). Notice of the application was issued to the petitioners, who put in appearance before the learned Executing Court. The learned Executing Court, vide order dated 25.03.2026 (Annexure P-10), while observing that no sufficient ground had been made out by the petitioners, issued warrants of arrest against them. However, due to non-deposit of subsistence allowance by the respondent-plaintiff, the warrants of arrest could not be executed. Thereafter, vide order dated 02.04.2026 (Annexure



P-12), fresh warrants of arrest were ordered to be issued against the petitioners.

3. Learned counsel for the petitioners has contended that the petitioners had filed an application (Annexure P-8) for restoration of the civil appeal, which had been dismissed for non-prosecution on 23.01.2024 (Annexure P-6), before the learned First Appellate Court.

3.1 It is further submitted that since the said application is yet to be decided, the learned Executing Court ought not to have issued warrants of arrest against the petitioners. He further submits that the said application is listed before the learned District Judge, Pathankot, on 29.04.2026 and, therefore, till the decision thereof, the warrants of arrest against the petitioners deserve to be stayed.

4. In view of the facts and circumstances of the present case, this Court is of the opinion that issuance of notice to the respondent would unnecessarily delay the proceedings; as such, issuance of notice to the respondent is dispensed with.

5. Keeping in view the above, particularly the fact that the restoration application filed by the petitioners is pending before the learned District Judge, Pathankot, for 29.04.2026, this Court is of the considered view that, till the decision of the said application, the warrants of arrest issued against the petitioners vide orders dated 25.03.2026 and 02.04.2026 (Annexures P-10 & P-12, respectively) shall remain stayed.

6. Consequently, the present petition is allowed, and the impugned orders dated 25.03.2026 and 02.04.2026 (Annexures P-10 & P-12, respectively), passed by the learned Executing Court, shall remain



stayed till the decision of the application for restoration filed by the petitioners before the learned District Judge, Pathankot (Annexure P-8).

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

APRIL 21, 2026	(AMARINDER SINGH GREWAL)
nitin	JUDGE
Whether Speaking	Yes
Whether Reportable	No