

2026:PHHC:065804



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

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CR-3326-2026 (O&M)

Date of decision :29.04.2026

BALBIR SINGH

... PETITIONER

VERSUS

PRABHJOT SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Preetwinder Singh Dhaliwal, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. The present revision petition has been filed by the petitioner under Article 227 of the Constitution of India seeking setting aside of the impugned order dated 27.03.2026 (Annexure P-6) passed by the learned Civil Judge (Junior Division), Barnala whereby the application under Order XXI Rules 32(5) and 35 read with Section 151 of the Code of Civil Procedure, 1908 preferred by the petitioner who claims to be a third party had been dismissed. The petitioner had sought stay of the execution proceedings pending before the Executing Court during the pendency of the civil appeal, i.e., RSA No. 3776 of 2025, before this Court.

2. At the outset, I find no error in the impugned order. The Executing Court cannot stay execution proceedings merely on the ground that an appeal is pending before the Appellate Court. It is the prerogative of the Appellate Court

to stay the operation of the judgment and decree under challenge. The Executing

Court has no jurisdiction to stay the execution proceedings in such circumstances. Order XLI Rule 5 CPC vests ample powers in the Appellate Court to pass appropriate interim orders in favour of the appellant. Therefore, the application filed by the petitioner before the Executing Court itself was not maintainable. The only remedy available with the petitioner was to approach the Appellate Court i.e. this High Court where the appeal is pending. Accordingly, the present revision petition is devoid of merit and is dismissed.

3. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

29.04.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No