



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

**CR No.3269 of 2026 (O&M)
Date of Decision:-21.05.2026**

Roop Kaur

.....Petitioner.

Versus

Sushma Rani and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present:- Mr. Saurav Bhatia, Advocate
for the petitioner.

Mr. G.S. Bal, Senior Advocate with
Mr. Laxman Chaudhry, Advocate
for respondents No.1 to 3.

VIKRAM AGGARWAL, J. (ORAL)

The instant revision petition, preferred under Article 227 of the Constitution of India, assails the order dated 18.03.2026 (Annexure P-15) passed by the Court of Additional District Judge, Fatehgarh Sahib (Executing Court), vide which the application filed by the petitioner under Order XXI Rule 26 read with Section 151 of the Code of Civil Procedure, 1908 (hereinafter referred to as the 'CPC') for stay of execution proceedings during the pendency of the application under Order IX Rule 13 CPC, was dismissed.

2. On 20.04.2026, this Court passed the following order:-

***“Learned counsel for the petitioner inter alia submits
that vide order dated 01.08.2018, the MACT ordered***

issuance of notice through registered cover and since the said registered cover was not received back within a period of 30 days, it proceeded ex parte against the petitioner and other respondents therein vide order dated 06.12.2018. Learned counsel submits that in terms of the provisions of Order 5 Rule 9(4) & 19 CPC, since the petitioner resided outside the jurisdiction of the MACT in question, notice by way of registered cover could not have been issued. In support of his contentions, learned counsel places reliance upon the judgment of a Coordinate Bench in case of M/s Paras Ram Milkhi Ram Vs. Sudarshan Tea, Pvt. Ltd. and another, 2022(2) RCR(Civil) 562.

Notice of motion to respondents No.1 to 3 only at this stage for 04.05.2026.

Liberty is granted to serve the said respondents through counsel representing them in the proceedings under Order 9 Rule 13 CPC.

Process dasti as well.

To be taken up in the urgents.

Till the next date of hearing, the executing Court shall not proceed further with the execution petition.”

3. The grievance of the petitioner is that the petition filed under Order IX Rule 13 CPC is likely to succeed in view of the contentions noticed in the order dated 20.04.2026, but there is no stay on the execution and in case, the entire amount is deposited and released, the rights of the petitioner shall be gravely prejudiced.

4. Per contra, it is the stand of the respondents that despite an Award having been passed in their favour, they have not been able to get any compensation.

5. With the consent of learned counsel for the parties, the present revision petition is disposed of in the following terms:-

- (i) The petitioner shall, within a period of six weeks from today, deposit the entire awarded amount (inclusive of interest) before the Executing Court. On deposit of the said amount, 50% of the same shall be released to the respondents-claimants in accordance with law subject to their furnishing adequate security in the form of title deeds of their own land or of the land of some other land owner. The balance 50% amount shall be deposited in an FDR in some nationalized bank fetching the maximum rate of interest, and
- (ii) A direction is issued to the Court of MACT, Ludhiana, where the petition under Order IX Rule 13 CPC is pending, to make efforts to decide the same as expeditiously as possible and not later than six months from today.

6. The release of the balance amount of 50% shall be dependent upon the result of the petition under Order IX Rule 13 CPC.

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

May 21, 2026
Yag Dutt

(VIKRAM AGGARWAL)
JUDGE

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*