



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

(122)

CR-3552-2026 (O&M)

Date of Decision:-29.04.2026

DAVINDER SINGH

... Petitioner

Versus

VINOD KUMAR AND OTHERS

... Respondents

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CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Rajesh K. Dadwal, Advocate,
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. The present petition has been filed under Article 227 of the Constitution of India seeking directions to the learned District Judge, Ludhiana (learned First Appellate Court) to decide the application under Order XLI Rule 5 of the Code of Civil Procedure (in short "CPC"), read with Section 151 CPC, along with the civil appeal titled Davinder Singh versus Vinod Kumar and others.

2. Briefly stated, the petitioner has got a judgment and decree in his favour and has filed an execution petition for satisfaction of the decree. Respondents No.1 to 3 filed third-party objections, and the learned Executing Court allowed the said objections and set aside the judgment and decree, holding that the same is a nullity being based on fraud and misrepresentation and, therefore, unexecutable. An appeal has been preferred before the learned First Appellate Court. Along with the said appeal, an application for stay of the impugned order has also been filed.

3. The learned First Appellate Court, while entertaining the appeal, vide order dated 12.02.2026, chose to issue notice of the appeal as well as the application. Notice was duly served upon contesting respondents No.1 to 3, who appeared through counsel on 23.02.2026. Since then, the proceedings have been



pending for filing of reply to the application as well as for service upon respondent No.4, and now the appeal stands adjourned to 08.05.2026.

4. The present petition has been filed seeking directions to the learned Executing Court to stay the operation of the impugned order, or in the alternative, to restrain respondents No.1 to 3 from alienating the suit property during the pendency of the appeal, as it is alleged that respondents No.1 to 3 are attempting to alienate the property in dispute during the pendency of the appeal.

5. Considering the facts and circumstances of the case, it is a fit case where the jurisdiction vested in this Court under Article 227 of the Constitution of India is required to be exercised. Accordingly, the present petition is disposed of with a direction to the learned First Appellate Court to decide the application under Order XLI Rule 5 of the Code of Civil Procedure within a period of 15 days from the next date fixed before the said Court. In the meantime, respondents No.1 to 3 are restrained from alienating the property in dispute.

6. Petition stands disposed of accordingly.

7. As a natural corollary, since the main cases stand disposed of, all miscellaneous application(s), if any, shall also stand disposed of, as no fruitful purpose would be served by keeping them.

29th April, 2026
S. Pathania

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No