

2026:PHHC:068174



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

CR-3772-2026

Date of Decision: 04.05.2026

GURINDER PAL SINGH NAGPAL

....Petitioner

Versus

HARDEEP SINGH GILL AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Inderpreet Singh Kooner, Advocate
Ms. Supriya Sharma, Advocate
for the petitioner.

PARMOD GOYAL, J. (ORAL)

The present revision petition under Article 227 of the Constitution of India has been preferred by petitioner/defendant being aggrieved by impugned order dated 23.03.2026 (Annexure P-5), passed by learned Additional District Judge, Ludhiana whereby application moved under Order XLI Rule 5 CPC along with appeal by the present petitioner/defendant was allowed and stay was granted against judgment and decree dated 23.02.2024 vide which recovery of Rs.31,75,000/- along with interest was decreed, subject to furnishing of bank guarantee equivalent to decretal amount.

2. Admittedly, a money decree was passed by learned Court of first instance and while considering grant of stay under Order XLI Rule 5 CPC, learned First Appellate Court had granted stay subject to furnishing of bank guarantee with regard to the decretal amount i.e. Rs.31,75,000/- plus

interest by petitioner/defendant. Petitioner/defendant is aggrieved by conditional stay order.

3. I do not find any error in the order passed by learned First Appellate Court as same is within the scope of jurisdiction vested in learned Appellate Court. Moreover, a decree holder cannot be denied fruits of decree merely because appeal has been preferred by the defendant. The interest of decree holder has to be taken into consideration and his interest needs to be protected so that after decision of appeal he is not made to run for recovery of his money under the decree. Impugned order dated 23.03.2026 is in line with the principles with which provisions of Order XLI Rule 5 CPC have been enacted. The revision petition is without any merit, hence, is dismissed.
4. It is, however, directed that learned First Appellate Court shall make all endeavours to decide the appeal expeditiously.
5. Pending application(s), if any, is/are disposed of accordingly.

04.05.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No