

2026:PHHC:081053



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

CR-4363-2026

Date of Decision: 22.05.2026

KIRPAL SINGH

...Petitioner

Versus

CHANAN SINGH AND OTHERS

...Respondents

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Naveen Batra, Advocate  
for the petitioner.

**PARMOD GOYAL, J. (ORAL)**

Present civil revision petition has been preferred under Article 227 of Constitution of India by petitioner/defendant No.2 being aggrieved by non-consideration of stay application preferred under Order XLI Rule 5 CPC, 1905 filed along with the appeal.

2. It is the case of petitioner/defendant No.2 that judgment and decree dated 02.08.2025 was passed against him upon which he had preferred an appeal bearing No.CA-190-2025 titled as Dhian Singh & Ors. Vs. Chanan Singh & Anr., which was taken up for the first time on 28.08.2025 and notices were issued. That on 09.12.2025, respondent No.1/plaintiff had appeared before learned Appellate Court and thereafter, matter was adjourned to 02.01.2026 for summoning of trial Court records and arguments and on 02.01.2026 records were received and attached, however, arguments were not advanced. Thereafter, matter was taken up on

16.01.2026 and again arguments were not advanced and matter was adjourned to 13.02.2026. Thereafter, on 13.02.2026, 27.02.2026, 03.04.2026 and 17.04.2026 matter could not be taken up for hearing as presiding officer was on leave on the date fixed. Now the matter is stated to be fixed for 29.09.2026.

3. It is asserted that during pendency of appeal, plaintiff/respondent No.1 had preferred an execution petition bearing No.EXE/63/2025 on 03.11.2025 and had succeeded in getting warrant of possession on 20.05.2026 during the pendency of appeal and pendency of stay application preferred by petitioner/defendant No.2. It is asserted that if decree is executed without consideration of his application for stay and appeal, his appeal would become infructuous and would result in irreparable loss.

4. On consideration, I find merit in the case of petitioner/defendant No.2 that he has a right of consideration of his first appeal as well as his application for stay of execution of impugned judgment. Now the matter is fixed on 29.09.2026, in these circumstances, it is ordered that petitioner/defendant No.2 shall move an application for preponement of his appeal as well as stay application within one week from today. Learned Appellate Court shall issue notice to other side and decide application under Order XLI Rule 5 CPC within two months from today. Till the time appeal or application for stay is decided, the Executing Court shall not take any steps in furtherance of execution and shall allow status quo with regard to property in dispute. It is, however, made clear that in case there is any effort made by petitioner/defendant No.2 to delay the decision of his application, the stay shall automatically stand vacated on lapse of two months.

- 5. Revision petition stands allowed in above terms.
- 6. Pending application(s), if any, is/are disposed of accordingly.

22.05.2026  
chiranjeev

(PARMOD GOYAL)  
JUDGE

|                           |   |        |
|---------------------------|---|--------|
| Whether Speaking/Reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |