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

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CR-4292-2026**Date of decision: 26.05.2026****LAKHBIR SINGH****....Petitioner****Versus****AMARJIT KAUR****...Respondent****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : Mr. Nitin Rampal, Advocate for the petitioner.

YASHVIR SINGH RATHOR. J.(Oral)

1. This revision petition has been preferred under Article 227 of the Constitution of India for setting aside the impugned order dated 23.04.2026 (Annexure P-7), vide which the application moved by the petitioner/judgment debtor under Order XXI Rule 26 of CPC in Execution Petition No. EXE-1083-2025 titled '*Amarjit Kaur Vs. Lakhbir Singh*' has been dismissed, and further to stay the execution of the judgment and decree dated 06.08.2025 (Annexure P-3), until the final adjudication of the stay application in the pending statutory first appeal.

2. In view of the nature of the order proposed to be passed, issuance of notice to the respondent is dispensed with, as it would only delay the proceedings and cause unnecessary expenditure to the respondent.

3. I have heard the learned counsel for the petitioner and have gone through the material on record.

4. As per the case of petitioner, he had filed a civil suit for declaration on the basis of adverse possession and the respondent filed a counter



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claim seeking possession, which was decreed vide judgment and decree dated 06.08.2025 (Annexure P-3). Against the said decree, petitioner/defendant has instituted an appeal which is pending in the Court of learned Additional District Judge, Ferozepur and alongwith the appeal, he has moved an application for staying the execution of the judgment and decree. However, the Appellate Court has not yet adjudicated the stay application. In the meanwhile, the decree-holder has instituted an execution petition and the learned Executing Court, vide impugned order dated 23.04.2026 (Annexure P-7) has dismissed the application seeking stay of execution. In case the Executing Court enforces the decree and issue warrants of possession before adjudication of the pending stay application, the appeal filed by him will become infructuous and it has been prayed that the execution of the judgment and decree dated 06.08.2025 (Annexure P-3) be stayed till disposal of the stay application.

5. The grievance of the petitioner/defendant is, thus, bonafide. Against the judgment and decree dated 06.08.2025 (Annexure P-3), the defendant/petitioner has already instituted an appeal and has made a prayer for staying the execution of the judgment and decree. However, neither the execution of the judgment and decree has been stayed, nor the stay application in the appeal has been disposed of. In case, the judgment and decree is executed during the pendency of the appeal, the appeal will certainly become infructuous.

6. Resultantly, the present revision petition is disposed of with a direction to the learned Appellate Court to decide the application moved by the petitioner for staying the execution of the judgment and decree dated 06.08.2025 (Annexure P-3), at the earliest. Till the said application for staying the execution is decided by the learned Appellate Court, the execution of the judgment and decree



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dated 06.08.2025 (Annexure P-3) and further proceedings in Execution Petition No. EXE-1083-2025 titled '*Amarjit Kaur Vs. Lakhbir Singh*', shall remain stayed.

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

		(YASHVIR SINGH RATHOR)
		JUDGE
26.05.2026		
amandeep		
	Whether speaking/reasoned.	: Yes/No
	Whether Reportable.	: Yes/No