



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

**CR No. 4331 of 2026 (O&M)
DATE OF DECISION: 22.05.2026**

**GIAN DASS (SINCE DECEASED) THROUGH LRS AND
ANOTHER**

.....PETITIONER

Vs.

**SAMADH BABA BHAI SANGATIAN THROUGH ITS MOHATMIN
DEPUTY SAWROOP CHELA BHAJAN DASS AND OTHERS**

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Shiv Sharma & Mr. Abhishek Jhamb, Advocates,
for the petitioner.

AMARINDER SINGH GREWAL, J.(ORAL)

1. Prayer in the present Civil Revision Petition filed under Article 227 of the Constitution of India is for setting aside the impugned orders dated 18.04.2026, 01.05.2026 and 15.05.2026 (Annexures P-3 to P-5, respectively), passed by the learned Civil Judge (Junior Division), Dhuri, i.e. the Executing Court in Execution Petition No. 64 of 2026, whereby warrants of possession of the immovable property have been issued, during the pendency of the stay application moved by the petitioner before the learned appellate Court in case bearing No. CA-108-2026.

2. Brief facts of the case are that the respondent, through its 'Mohatmin' Deputy, had filed a suit for possession of the suit property



against the present petitioner and others. Notice of the suit was issued to the present petitioner, who contested the same by filing a written statement. As many as four issues were framed by the learned trial Court. The parties led their respective evidence. Ultimately, the suit of the respondent-plaintiff for possession was decreed vide judgment and decree dated 27.02.2026 (Annexure P-1).

2.1 The present petitioner filed an appeal before the learned District Judge, Sangrur against the judgment and decree dated 27.02.2026 passed by the learned Civil Judge (Junior Division), Dhuri (Annexure P-2). Along with the appeal, an application under Order XLI Rule 5 read with Section 151 of the Code of Civil Procedure, 1908 (for short 'the CPC') seeking stay was also moved by the present petitioner. In the meantime, the respondent filed an Execution Petition No. 64 of 2026 before the learned Civil Judge (Junior Division), Dhuri. Vide impugned order dated 18.04.2026 (Annexure P-3), the learned Civil Judge (Junior Division), Dhuri held that since the execution petition had been filed within one year from the passing of the aforesaid judgment and decree, no notice was required to be issued to the present petitioner/judgment-debtor for non-compliance of the decree and accordingly, straightaway warrants of possession were issued. Further, vide impugned order dated 01.05.2026, since the warrants of possession had not been received back, fresh warrants of possession were issued. Thereafter, vide impugned order dated 15.05.2026 (Annexure P-5), again fresh warrants of possession were issued.



3. Learned counsel for the petitioner has contended that since the present petitioner has already filed an appeal before the learned First Appellate Court and has also moved an application under Order XLI Rule 5 CPC seeking stay, therefore, till the decision of the said stay application, the proceedings before the learned Executing Court deserve to be stayed.

4. In view of the facts and circumstances of the present case, this Court feels that issuance of notice to the respondents would unnecessarily delay the proceedings. As such, issuance of notice to the respondents is dispensed with.

5. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

6. Keeping in view the above facts and circumstances, this Court deems it appropriate that during the pendency of the application filed by the petitioner under Order XLI Rule 5 CPC before the learned First Appellate Court, the proceedings before the learned Executing Court shall remain stayed.

7. Consequently, without making any comment on the actual merits of the case, it is directed that till the decision of the stay application pending before the learned First Appellate Court, further proceedings before the learned Executing Court pursuant to the impugned orders dated 18.04.2026, 01.05.2026 and 15.05.2026 (Annexures P-3 to P-5) shall remain stayed.

8. The learned District Judge, Sangrur is also directed to decide the application filed by the petitioner under Order XLI Rule 5 CPC pending before it, as expeditiously as possible.



9. The petition stands disposed of accordingly.
10. Pending miscellaneous application(s), if any, shall also stand disposed of.

MAY 22, 2026	(AMARINDER SINGH GREWAL)
nitin	JUDGE
Whether Speaking	Yes
Whether Reportable	No