

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****209****CR-8072-2025 (O&M)****Date of decision: 27.05.2026****Jasvir Singh****...Petitioner(s)****Vs.****Dalbir Singh****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. A.P. Kaushal, Advocate
for the petitioner.

Mr. B.S.Khullar, Advocate
for the respondent.

NIDHI GUPTA, J.

Present Civil Revision Petition under Article 227 of the Constitution of India has been filed by the defendant/petitioner for setting aside order dated 27.10.2025 (Annexure P-10); whereby learned Executing Court appointed Local Commissioner for getting the sale deed registered and call for the report on 20.11.2025 in violation of the order dated 13.06.2024 vide which Ld. Additional District Judge, Rupnagar has stayed the execution of sale deed on the basis of judgment and decree dated 22.11.2021 illegally and arbitrarily without any justification while passing a non-speaking order.

2. On 16.04.2026 after hearing learned counsel for the parties at considerable length, following order came to be passed by this Court:-



"1. The present revision petition has been filed by petitioner/ defendant/Judgment-Debtor seeking setting aside of order dated 27.10.2025 (Annexure P-10) passed by the learned Executing Court, whereby Local Commissioner was appointed for getting the sale deed registered; in violation of interim order dated 13.06.2024 (Annexure P-8) passed by the learned Additional District Judge/Vacation Judge, Rupnagar, vide which execution of sale deed for the sale of suit land on the basis of judgment and decree dated 22.11.2021 was stayed.

2. It is, inter alia, submitted by learned counsel for the petitioner/defendant/Judgment-Debtor that the respondent/plaintiff/Decree-Holder had filed a Civil Suit bearing No. CS-940-2020 dated 15.12.2020 seeking possession as owner by way of specific performance of Agreement to Sell dated 06.08.2019. Vide ex parte judgment and decree dated 22.11.2021 (Annexure P-1), the learned Civil Judge (Junior Division), Rupnagar, had decreed the suit of respondent/plaintiff as follows:-

"12. Accordingly, in view of the above discussion, the suit of the plaintiff succeeds. Resultantly, the suit of the plaintiff stands decreed with costs. The plaintiff is hereby granted the relief of possession by way of specific performance of agreement to sell dated 06.08.2019. The plaintiff is directed to deposit the balance amount of sale consideration in the court within 01 month. The defendant is hereby directed to execute the sale deed in favour of the plaintiff within a period of 02 months from the date of deposit of the balance sale consideration by the plaintiff. Further, the plaintiff is also granted the consequential relief of permanent injunction and the defendant is hereby permanently restrained from



alienating, creating any charge or encumbrance and changing the nature of the suit land. Decree sheet be prepared accordingly. File be consigned to record room after due compliance.”

3. *Being aggrieved, the petitioner had moved an application dated Nil (Annexure P-4) under Order IX Rule 13 CPC for setting aside the ex parte judgment and decree dated 22.11.2021; which was dismissed by the learned trial Court vide order dated 07.05.2024 (Annexure P-5).*

4. *Against the same, the petitioner had preferred Civil Appeal No. 164 of 2024 (Annexure P-6) before the learned Additional District Judge, Rupnagar, which is still pending adjudication. In the said Civil Appeal, the learned Additional District Judge/Vacation Judge, Rupnagar, vide order dated 13.06.2024, had stayed execution of sale deed for the sale of suit land on the basis of ex parte judgment and decree dated 22.11.2021 (Annexure P-1). It is contended that despite the stay granted by the learned Additional District Judge, vide order dated 13.06.2024 (Annexure P-8), the learned Executing Court vide impugned order dated 27.10.2025 (Annexure P-10), had appointed a Local Commissioner for getting the sale deed registered in favour of respondent/plaintiff/Decree-Holder. It is further submitted that the aforesaid Civil Appeal (Annexure P-6) is now pending for hearing before the learned Additional District Judge, Rupnagar for 05.05.2026.*

5. *Per Contra, learned counsel for the respondent/plaintiff-Decree-Holder vehemently opposes the submissions advanced on behalf of the petitioner and submits that perusal of zimni orders (Annexure P-9, Colly.) shows that the stay granted by the learned Additional District Judge, Rupnagar vide order dated 13.06.2024 (Annexure P-8) subsisted in favour of the petitioner only till 18.12.2024.*



6. *Learned counsel for the respondent has taken this Court through the zimni orders (Annexure P-9, Colly.) to submit that perusal of zimni orders w.e.f. 19.12.2024 till 08.10.2025 reflects that no stay is subsisting in favour of the petitioner. Consequently, the sale deed came to be executed in favour of the respondent/plaintiff/Decree-Holder on 06.11.2025; and the execution petition was disposed of by the learned Civil Judge (Junior Division), Rupnagar, vide order dated 20.11.2025 copy of which is appended with the main petition at page No. 86. It is submitted that perusal of zimni order dated 19.09.2024 (Annexure P-9, Colly. at page No. 69 of the paper-book) shows that none had appeared on behalf of the petitioner yet the learned Additional District Judge, Rupnagar, 'taking a lenient view and in the interest of justice' further directed that interim order to continue and the case was adjourned to 18.12.2024. However, the case was taken up on 19.12.2024 as, the learned Additional District Judge, Rupnagar was on compensatory leave on 18.12.2024; and even on said date none had appeared. Therefore, the interim stay was not continued. Further, perusal of zimni orders (Annexure P-9, Colly.) w.e.f. 19.12.2024 till 08.10.2025 shows that no stay was subsisting. It is, therefore, reiterated that the present revision petition has been rendered infructuous.*

7. *At this stage, learned counsel for the petitioner has prayed that the Civil Appeal (Annexure P-6) is pending adjudication before the learned Additional District Judge, Rupnagar for 05.05.2026 and the present matter may be adjourned for any date thereafter to enable learned counsel for the petitioner to address arguments, before the 1st Appellate Court.*

8. *At his request, adjourned to 13.05.2026."*



3. On 13.05.2026, this Court once again adjourned the matter at the request of learned counsel for the petitioner as it was stated that the matter could not be argued before the first Appellate Court on 5.5.2026, the same being a 'No Work Day'. Consequentially, at request of learned counsel for the petitioner, matter stood adjourned to today i.e. 27.5.2026.

4. Today again, in the first instance, learned counsel for the petitioner has made a request for adjournment by submitting that for reasons beyond control of the petitioner, the Civil Appeal was not heard by learned Additional District Judge, Rupnagar on 21.05.2026. Accordingly, request for adjournment was made. The said request was opposed by learned counsel for the respondent, who has submitted that Civil Appeal could not be heard on 21.05.2026 as learned counsel representing the petitioner before learned First Appellate Court, had not put in appearance.

5. Be that as it may, on the request for adjournment being declined by this Court, learned counsel for the petitioner has argued that the impugned order deserves to be set aside in view of the judgment of the Constitutional Bench of the Hon'ble Supreme Court rendered in case titled as '**High Court Bar Association, Allahabad v. State of U.P. (SC) (Constitution Bench): Law Finder Doc Id # 2510532**'; wherein it has been held that stay granted by Court, shall be deemed to be continued till the same is vacated by a judicial order.

6. The said position is again refuted by learned counsel for the respondent who has referred to relevant extracts of the above-referred



judgment to submit that in actual fact, the said judgment is in favour of the respondent. Accordingly, it is reiterated that the present petition has been rendered infructuous.

7. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions advanced on behalf of the petitioner.

8. The factual matrix of the case has already been noticed/recorded in the above reproduced order dated 16.4.2026. In the conspectus of the afore-noted facts, the Constitutional Bench of Hon'ble Supreme Court in **High Court Bar Association, Allahabad's case (supra)** has categorically held in para 3 as follows: -

"3. A Miscellaneous Application was filed in the decided case, in light of the order passed on 4th December 2019 by the Learned Additional Chief Judicial Magistrate, Pune. When the learned Magistrate was called upon to proceed with the trial on the ground of automatic vacation of stay after the expiry of a period of six months, the learned Magistrate expressed a view that when the jurisdictional High Court had passed an order of stay, a Court subordinate to the High Court cannot pass any order contrary to the order of stay. By the order dated 15th October 2020, this Court held that when the stay granted by the High Court automatically expires, unless, an extension is granted for good reasons, the Trial Court, on expiry of a period of six months, must set a date for trial and go ahead with the same. Later, an attempt was made to seek clarification of the law laid down in the case of Asian Resurfacing. This Court, by the order dated 25th



April 2022, did not apply the direction issued in Asian Resurfacing to the facts of the case before it.”

9. In the present case, the learned Additional District Judge/Vacation Judge, Rupnagar, vide order dated 13.06.2024, had stayed execution of sale deed for the sale of suit land on the basis of ex parte judgment and decree dated 22.11.2021. The said stay, subsisted in favour of the petitioner only till 18.12.2024; despite the fact that none had appeared on behalf of the petitioner on next dates of hearing, the same being 19.9.2024, and 18.12.2024. Consequentially, the zimni orders w.e.f. 19.12.2024 till 08.10.2025 do not mention any stay in favour of the petitioner. Admittedly, even no objection was raised by the petitioner in this regard; and no application was filed by the petitioner for continuance of the said stay granted with order dated 13.6.2024. Thus, in view of the judgment of the Constitutional Bench of Hon’ble Supreme Court in **High Court Bar Association, Allahabad’s case (supra)**, no error can be found in the Executing Court proceeding with the matter.

10. Keeping in view the aforementioned factual and legal position, no ground is made out to exercise revisional jurisdiction of this Court. Accordingly, the present Civil Revision stands **dismissed**.

11. Pending application(s) if any also stand(s) disposed of.

27.05.2026

Divyanshi

**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No