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

CM-6174-CII-2026 in/and
CR-9700-2025 (O&M)
Date of decision: 27.04.2026

Bihari Lal

...Petitioner

Versus

Kashmir Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Sweta Chahal, Advocate for
Ms. Bhavna Kapur, Advocate for the petitioner.

Mr. Kanwal Goyal, Advocate and
Ms. Komal Klana, Advocate for respondent No.1.

VIKAS BAHL, J. (ORAL)

CM-6174-CII-2026

1. This is an application filed under Section 151 of CPC for preponement of the date of hearing in the main case as it has been fairly stated in the application that the revision petition filed by the petitioner-non-applicant be allowed and further request has been made that the appeal be decided expeditiously.

2. Keeping in view the averments made in the application as well as joint prayer made by the counsel for the petitioner as well as respondent No.1, the present application is allowed and the main case is preponed from 05.05.2026 to today and the same is taken on Board today itself for final



disposal.

Main case

1. This is a revision petition filed under Article 227 of the Constitution of India read with Section 151 of CPC for setting aside the order dated 30.09.2025 (Annexure P-1) passed by the Additional District Judge, Kapurthala, whereby an application filed by the petitioner under Order 41 Rule 5 of CPC has been partly allowed.

2. On 22.12.2025, a Coordinate Bench of this Court was pleased to pass the following order:-

*“Present: Ms. Bhavna Kapur, Advocate
for the petitioner (through Video Conferencing).*

The present revision petition has been filed against the order dated 30.09.2025, passed by the learned Additional District Judge, Kapurthala, whereby the application filed by the petitioner under Order XLI Rule 5 CPC was partly allowed. The petitioner/appellant had filed an appeal challenging the judgment and decree passed by the Court of Civil Judge and, along with the appeal, had also filed an application under Order XLI Rule 5 CPC seeking a stay of the execution of the said judgment and decree. The learned Additional District Judge, after considering the application, partly allowed the same by staying the issuance of warrants of property but simultaneously granted liberty to the Executing Court to proceed with the execution to the extent of executing the sale deed in favour of the respondent/decreed-holder.

It is contended by the petitioner that the partial allowance of the application effectively defeats the purpose of the stay sought in the appeal, as the execution of the sale deed would cause irreparable prejudice to the appellant and render



the appeal infructuous. The petitioner, therefore, seeks interference in the impugned order in exercise of the revisional jurisdiction of this Court. Counsel for the petitioner further contends that allowing partial execution would lead to multiplicity of proceedings and unnecessary complications, and therefore, once the appeal is entertained, the execution of the judgment and decree should have been stayed in its entirety.

Notice of motion for 25.02.2026.

In the meantime, execution of sale deed in favour of decree-holder is stayed.

22.12.2025”

3. During the course of arguments, a very fair stand has been taken on behalf of the petitioner as well as respondent No.1 and on the basis of the said consensus, the present revision petition is disposed of with the following observations/directions:-

- i) The interim order dated 22.12.2025 would continue till the time the first appeal filed by the petitioner against the judgment and decree dated 22.08.2024 is finally decided.
- ii) Grant and continuance of the said order would not be construed as an expression of opinion on the merits of the case and it would be open to the parties to raise all the pleas in accordance with law and the First Appellate Court would decide the case independently, in accordance with law.
- iii) The appeal is stated to be listed for 26.05.2026 and the appeal is of the year 2024. It has been stated before this Court that the counsel for the petitioner as well as respondent No.1 would be ready to argue the



main appeal itself on 26.05.2026 or on any other date, which the First Appellate Court directs them to argue. The First Appellate Court is requested to decide the case as expeditiously as possible preferably within a period of six months from 26.05.2026.

4. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

27.04.2026
Pawan

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:-	Yes/No
Whether reportable:-	Yes/No