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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR-5926-2025 (O&M)

Date of decision :28.08.2025

MANPREET KAUR AND ANOTHER

...Petitioner

Versus

SURINDER KAUR

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. C.S. Bagri, Advocate for the petitioners.

HARPREET KAUR JEEWAN, J. (Oral)

1. By way of filing the present Civil Revision under Article 227 of the Constitution of India, the petitioners are impugning the orders dated 28.07.2025, 11.08.2025 and 11.08.2025 (Annexures P-1 to P-3, respectively), passed by the Executing Court, Samrala, dismissing the objection filed on behalf of the petitioners-judgment debtor (JD).

2. As per the brief facts, a decree for possession by way of specific performance of agreement to sell dated 14.12.2015 was passed by the Civil Judge (Junior Division), Samrala, in favour of the respondent-Surinder Kaur (decree-holder). The petitioners had filed First Regular Appeal before the District Judge, Ludhiana, challenging the said decree dated 17.12.2024.

3. The petitioners had also moved an application dated 18.02.2025 (Annexure P-7) for registration of an FIR, after obtaining a copy of the Handwriting Expert report. However, the objections filed by the petitioners to the said execution proceedings have been dismissed by the trial Court.



4. Learned counsel for the petitioners submits that the Executing Court did not stay the proceedings keeping in view the pendency of appeal before the First Appellate Court, despite having been informed that the petitioners are seeking registration of an FIR on the ground that the agreement to sell in question is forged and fabricated.

5. Keeping in view the facts and circumstances of the present matter, issuance of notice to the respondents is dispensed with.

6. I have considered the aforesaid submissions and perused the paper-book.

7. As per the impugned order Annexure P-1, the petitioner had raised the objection that his appeal is pending before the First Appellate Court and requested the Executing Court to defer the proceedings. Vide order Annexure P-2, the application filed by the petitioner-JD to review and modify the earlier order Annexure P-1 was dismissed and the decree-holder filed a draft sale-deed. Vide order Annexure P-3, the review application filed by the petitioner was also dismissed.

8. Keeping in view the facts that the First Regular Appeal filed by the petitioners challenging the judgment and decree passed by the Civil Judge is pending before the First Appellate Court and the petitioners have a right to file an application for grant of stay to the aforesaid judgment and decree pending first appeal, present revision petition is disposed of with liberty to the petitioners to approach the First Appellate Court, for consideration of the application for stay of the judgment and decree under appeal. However, the Executing Court shall adjourn the proceedings for a period of 03 weeks from today.



9. It is made clear that the above observations be not construed as an expression of opinion on merits of the controversy.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

28.08.2025

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**[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No