



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(137)

CR No. 4831 of 2024 (O&M)

Date of Decision: 23.07.2025

Harminster Singh (since deceased) through LRs

...Petitioner

Versus

Kulwinder Singh

...Respondent

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Atul Goyal, Advocate
for the petitioner.

None for the respondent.

VIKRAM AGGARWAL, J (ORAL)

1. The instant revision petition assails the order dated 26.07.2024 (Annexure P-13), passed by the Court of Additional District Judge, Ludhiana, vide which stay of the operation of the judgment and decree dated 06.04.2023 passed in a suit for recovery by the Court of Civil Judge (Jr. Division), Jagraon, was declined.

2. At the time of issuance of notice of motion, the following order was passed on 28.08.2024:-

“Suit for recovery of principal amount of ₹3,48,000/- alongwith interest was decreed by the trial Court on 06.04.2023 in favour of the respondent of the present petition. The defendant (petitioner herein) filed an appeal, which is pending before learned Addl. District Judge, Ludhiana. Prayer was made to stay the operation of the judgment and decree passed by the trial Court, but the same was declined. Learned counsel for the petitioner contends that the

execution has since been filed and the warrants of attachment of the property to the petitioner has already been issued. Learned counsel submits that since the appeal is pending, therefore, operation of the warrants of attachment is liable to be stayed or in the alternative petitioners be allowed to deposit the amount of ₹3,48,000/- by way of security before the Appellate Court.

Notice of motion for 25.11.2024.

In the meantime, the Appellate Court shall permit the petitioner herein, i.e. appellant before the Appellate Court to deposit the security amount of ₹3,48,000/- as principal amount and on deposit of the same within one month from the receipt of copy of this order, the operation of the impugned judgment and decree passed by the trial Court shall remain stayed. However, in the eventuality of depositing the security, the Appellate Court will proceed further to dispose of the appeal on merits.”

3. Learned counsel for the petitioner submits that in compliance of the said order, the security amount of ₹3,48,000/- was deposited by way of an FDR after having sought extension which was duly granted vide order dated 29.10.2024 by the Coordinate Bench. He submits that earlier the Appellate Court was not proceeding in view of the pendency of the instant revision petition, but now vide order dated 02.07.2025, the Court has observed that since there is no stay *qua* the proceedings of the Appellate court, the appeal has now been fixed for 22.08.2025 for arguments. Learned counsel further submits that since stay was granted by the Coordinate Bench on deposit of the security amount, the same be ordered to be continued till the disposal of the appeal.

4. Keeping in view of the aforesaid facts and circumstances, the present appeal is disposed of with the observation that the operation of the

impugned judgment and decree passed by the trial Court shall remain stayed till the decision of the appeal.

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

(VIKRAM AGGARWAL)
JUDGE

July 23, 2025

Rekha

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