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

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Date of decision :17.09.2025

**STATE OF PUNJAB THROUGH SECRETARY, DEPARTMENT OF
HOME AFFAIRS, PUNJAB**

... PETITIONER

VERSUS

KANS RAJ (SINCE DECEASED) THROUGH LRS AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Puru Jarewal, DAG, Punjab
for the petitioner.

PARMOD GOYAL, J. (ORAL)

1. Present revision petition has been preferred by the defendant-petitioner, being aggrieved by the order dated 16.07.2025 (Annexure P-8) passed by the Appellate Authority, Amritsar.

2. In the present case, the suit for recovery filed by the plaintiff was decreed with costs vide judgment and decree dated 26.07.2024 (Annexure P-6), passed by the Civil Judge (Junior Division), Ajnala. Defendant No. 3-the present petitioner was directed to pay compensation amounting to ₹15,00,000/- to plaintiffs in the ratio of 22%, 34%, 33%, and 11% respectively, along with pendent-lite interest at the rate of 9% per annum and future interest at the rate of 6% per annum. Liberty was granted to Defendant No. 3 to recover the loss from Defendant Nos. 1 and 2.

3. Being aggrieved by the judgment and decree dated 26.07.2024 (Annexure P-6), the petitioner had filed an appeal, which is stated to be pending before the Court of the Additional District Judge, Amritsar. Along with the appeal, the appellant-petitioner also preferred an application seeking stay of the execution



of the judgment and decree dated 26.07.2024.

4. After considering the contentions raised by the petitioner, the Appellate Court vide order dated 16.07.2025 (Annexure P-8) stayed the operation of the impugned judgment and decree dated 26.07.2024, subject to the condition that 1/3rd of the decretal amount be deposited with the Trial Court within one month. It was further directed that the said amount shall be payable only after the disposal of the appeal preferred by the appellant-petitioner.

5. The present petition has been preferred by the petitioner, being aggrieved by the order dated 16.07.2025 (Annexure P-8). Admittedly, the suit preferred by the respondent- plaintiff was for damages, and a money decree was passed against the petitioner. While considering the application under Order XLI Rule 5 CPC in the appeal preferred by the petitioner, the Trial Court, in terms of the said provision, has put the appellant-petitioner to terms by directing it to deposit 1/3rd of the decretal amount.

6. The impugned order passed by the learned first Appellate Court is in consonance with the provisions of Order XLI Rule 5 CPC and reflects a balanced approach. On one hand, the appellant has been directed to deposit 1/3rd of the amount with the Trial / executing Court, and on the other hand, the rights of the appellant have been safeguarded by directing that the said amount shall not be disbursed until the decision of the appeal.

7. Therefore, no fault can be found with the impugned order dated 16.07.2025 (Annexure P-8) passed by the Appellate Authority.

8. It is worth noting that, subsequently, vide order dated 21.08.2025 (Annexure P-10), the time for deposit was extended until 05.09.2025. Learned counsel, faced with the above conclusion, has requested additional time to deposit the amount, which has not yet been deposited due to the filing of the present



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petition.

9. Accordingly, the appellant is directed to deposit the amount as ordered by the learned Appellate Court, i.e., one-third of the decretal amount, with the Trial Court within fifteen days, on or before 03.10.2025.

10. The petition is disposed of in the above terms.

17.09.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No