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

**CR-5777-2025 (O&M)
Date of Decision: 26.08.2025**

Kulwant Rai

.....Petitioner

Vs.

Madan Lal

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present : Mr. Manu Loona, Advocate,
for the petitioner.

SUDEEPTI SHARMA J. (ORAL)

1. Prayer in the present petition is for setting aside the impugned order dated 05.08.2025 passed by the learned Additional District and Sessions Judge, Fazilka, in CA-180-2024 titled as 'Kulwant Rai Vs. Madan Lal' to the extent that the condition to furnish bank guarantee within fifteen days may be extended to six weeks, so as to enable the petitioner to arrange bank guarantee.

2. Learned counsel for the petitioner contends that 15 days time granted by learned Additional District and Sessions Judge, Fazilka, to furnish bank guarantee is not sufficient to arrange the money. He, therefore, prays that the period of 15 days be extended to 06 weeks so that the petitioner can arrange the bank guarantee.

3. I have heard learned counsel for the petitioner and perused the case file with his able assistance.



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4. It would be apposite to reproduce the impugned order dated 05.08.2025 passed by the learned Additional District and Sessions Judge, Fazilka, which reads as under:-

“POA for respondent filed. The Counsel for respondent has argued that application u/s 5 Limitation Act is pending which is to be decided before any stay is passed.

However, in the case at hand, the sale is fixed for 25.08.2025. This Court also has additional charge of Family Court due to which giving of date of hearing prior to 25.08.2025 is not possible.

Hence, in interest of justice and to avoid undue prejudice, the execution is stayed, subject to furnishing of Bank Guarantee equivalent to the decretal amount inclusive of interest upto date to be furnished before executing Court within 15 days.

To come up for arguments on application u/s 5 Limitation Act on 15.09.2025 the date originally fixed.”

5. A perusal of the above impugned order shows that the sale was fixed for 25.08.2025 because of which, the execution was stayed, subject to furnishing of Bank Guarantee equivalent to the decretal amount inclusive of interest upto date to be furnished before executing Court within 15 days from the date of impugned order dated 05.08.2025. 15 days expired on 20.08.2025. The petitioner filed the previous civil revision petition i.e. CR-5589-2025, challenging the order dated 05.08.2025 passed by the learned Additional District and Sessions Judge, Fazilka, without any prayer in the same for grant of more time to furnish the bank guarantee. The same came up for hearing on 21.08.2025. The petition was defective because of which, learned counsel for the petitioner withdrew the same with liberty to file a fresh one with better particulars on 21.08.2025 itself.



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6. This is the second petition challenging the same impugned order dated 05.08.2025 passed by the learned Additional District and Sessions Judge, Fazilka, in CA-180-2024 titled as 'Kulwant Rai Vs. Madan Lal' to the extent that the condition to furnish bank guarantee within 15 days may be extended to 06 weeks, so as to enable the petitioner to arrange bank guarantee.

7. In view of the above, since vide order dated 05.08.2025, the sale was fixed for 25.08.2025, therefore, at this later stage, it would not be appropriate to interfere in the impugned order dated 05.08.2025 passed by the learned Additional District and Sessions Judge, Fazilka and the same is hereby upheld. Consequently, the present petition is dismissed. Liberty is, however, granted to the petitioner to avail any other remedy as is available to him, in accordance with law.

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

(SUDEEPTI SHARMA)
JUDGE

26.08.2025

Virender

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