



CR-6187-2025

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

CR-6187-2025

Date of Decision: 08.09.2025

SHEELA SRIVASTAVA

....Appellant

Versus

RAM NIWAS SHARMA AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Umesh Kumar Kanwar, Advocate
for the petitioner.

Parmod Goyal, J. (Oral)

Petitioner/judgment debtor is aggrieved by dismissal of his objections in execution petition preferred by decree holders seeking execution of judgment and decree dated 21.12.2022 (Annexure P-1) vide impugned order dated 27.08.2025.

2. The main objection which was raised by judgment debtor before the executing Court was that judgment and decree dated 21.12.2022 is already under challenge before First Appellate Court. Appeal as well as application of judgment debtor for staying the impugned judgment and decree dated 21.12.2022, are pending before First Appellate Court, hence, the execution proceedings cannot proceed till the appeal is decided. However, the executing Court concluded that since there is no stay against execution of judgment and decree dated 21.12.2022, therefore, it is bound to execute the same and accordingly had dismissed the objection preferred by judgment debtor vide impugned order dated 27.08.2025.



3. I do not find any error with the conclusion drawn by the executing Court vide order dated 27.08.2025. Pendency of appeal does not amount to automatic stay of execution proceedings. The executing Court is bound to proceed with the execution proceedings unless some orders are passed by the Appellate or Revisional Courts. In the present case, admittedly no stay is operating against execution of judgment and decree dated 21.12.2022, therefore, executing Court is duty bound to proceed with the execution and execute the same, irrespective of pendency of appeal, unless First Appellate Court passes any interim orders qua execution of judgment and decree dated 21.12.2022.

4. No fault with the impugned order can be found. The remedy with petitioner/judgment debtor in fact lies before First Appellate Court. Petitioner/judgment debtor shall be free to seek his remedies in accordance with law.

5. No merit in the revision petition is made out, hence, the same is dismissed.

08.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No