



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

128

CR No.2170 of 2025 (O&amp;M)

Date of Decision :08.05.2025

**Kulwant Singh**

.....Petitioner

**Versus****Suresh Pal**

..... Respondent

**CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Abhinav Sood, Advocate for the petitioner.

**VIKRAM AGGARWAL, J. (Oral):**

1. The present revision petition, preferred under Article 227 of the Constitution of India, seeks stay of operation of the judgment and decree dated 16.11.02018 (Annexure P-1) as appeal against the same is stated to be pending.

2. The facts as emanating from the revision petition, are that a suit for possession by way of specific performance of agreement to sell dated 26.05.2008 was filed by the respondent-plaintiff (Suresh Pal). The said suit was partly decreed vide judgment and decree dated 16.11.2018 by the Court of Civil Judge (Jr. Divn.), Kurukshetra, and relief of recovery of Rs. 18,00,000/- with interest @ 9% from 08.10.2010 till realization was granted. Against the said decision, an appeal (Annexure P-2) was preferred. The appeal was accompanied by an application for permission to sue in *forma pauperis*. The said prayer of the petitioner to declare him an indigent person and grant permission to sue in *forma pauperis* is still pending adjudication before the first Appellate Court as is evident from the interlocutory orders placed on record. On account of the same, it appears that the application for stay could not be decided.

3. At the outset, learned counsel for the petitioner submits that the



issue of the petitioner being an indigent person is still pending. He submits that the petitioner would not press the same and is willing to deposit the Court fee within a period of 3 days from today. He further submits that in the execution proceedings auction notice Ex.P3, has been issued and auction schedule was fixed but the auction could not take place. Now the matter is pending for 21.05.2025, before the executing Court. He submits that requisite directions be issued to the First Appellate Court to decide the application for stay and till that time, the petitioner be protected.

4. I have considered the submissions made by learned counsel for the petitioner.

5. Admittedly, the petitioner, is in first appeal against the judgment and decree passed by the trial Court vide which recovery of Rs. 18,00,000/- was ordered. Stay, of course, if any, would be as per the provisions of law relating to stay of money decrees. However, since the petitioner is willing to deposit the Court fee, within a period of three days, the present revision petition is disposed of with an observation and a direction that in case the requisite Court fee is deposited by the petitioner within one week from today, the first Appellate Court shall take a decision on the application for stay, preferred under Order 41 rule 5 of CPC within a period of one week thereafter, in accordance with law.

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

**(VIKRAM AGGARWAL)**  
**JUDGE**

**08.05.2025**

*Manoj Bhutani*

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