

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****110****CR-3873-2025****Date of Decision: 04.07.2025****SACHIN GOYAL****.....PETITIONER****Vs.****SIKANDER SINGH****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present: Mr. Aayush Gupta, Advocate for the petitioner.  
(through VC)

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**DEEPAK GUPTA, J.**

The present revision petition filed under Article 227 of the Constitution of India has been filed by the petitioner/defendant to challenge the order dated 29.05.2025 (*Annexure P-9*) passed by the learned Additional Civil Judge (Junior Division), Ludhiana in CM-1321-2024, whereby his request to stay the execution proceedings was rejected. Also under challenge are the orders dated 29.05.2025 (*Annexures P-10 and P-11*) by which the execution was revived and fresh warrants of possession were issued.

2. As evident from the paper book, Civil Suit No. CS-307-2015 was filed by the respondent–plaintiff Sikander Singh seeking possession of the disputed property against the petitioner–defendant Sachin Goyal, and was decreed ex parte on 16.02.2016 (*Annexure P-3*). In execution of the said decree, the decree-holder initiated execution proceedings. During the pendency of those proceedings, the petitioner filed an application under Order IX Rule 13 CPC to set aside the ex parte decree. On that basis, the learned Civil Judge (Jr. Division), Ludhiana, vide order dated 27.07.2022 (*Annexure P-4*), stayed the execution proceedings and directed the same to be consigned sine die.

3. The application under Order IX Rule 13 CPC was ultimately dismissed on 16.07.2024 (*Annexure P-5*). The petitioner thereafter filed an



appeal before the District Court, Ludhiana, which is stated to be pending. Meanwhile, the decree-holder moved an application for revival of the execution proceedings, which was allowed by the Executing Court vide order dated 29.05.2025 (Annexure P-10). The petitioner's prayer for stay of execution, citing the pendency of the appeal, was rejected by the same order. Simultaneously, fresh warrants of possession were issued on the same date (Annexure P-11), in continuation of the earlier execution process initiated prior to the case being consigned sine die.

4. The petitioner, through his counsel, contends that since the appeal against the dismissal of the application Order under IX Rule 13 CPC is still pending, the execution proceedings ought not to have been revived and should have remained stayed.

5. However, in response to a specific query by this Court, learned counsel for the petitioner conceded that no stay has been granted by the Appellate Court against the order dated 16.07.2024, though an application seeking such stay is stated to be pending.

6. In these circumstances, as there is no stay operating against the ex parte decree, the Executing Court rightly dismissed the prayer for staying execution proceedings. Mere pendency of an appeal does not, by itself, furnish sufficient ground to halt the execution.

7. This Court does not find any perversity or illegality in the impugned orders and as such, finding no merits in the petition, same is hereby dismissed.

**04.07.2025**

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**(DEEPAK GUPTA)**

**JUDGE**

*Whether speaking/reasoned?* Yes

*Whether reportable?* No