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

CR-4916-2025

Date of decision: 31.07.2025

HARJIWAN SINGH

..Petitioner**Versus**

PRASHANT BERAR & OTHERS

..Respondents**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Dr. Amol Rattan Sidhu, Sr. Advocate assisted by
Mr. Shiv Kumar Sharma, Advocate
Mr. Kartik Gandhi, Advocate
for the petitioner.

SUDEEPTI SHARMA, J. (Oral)

1. Challenge in the present petition is to order dated 29.05.2025 passed by learned Addl. Civil Judge (Sr. Division), Dabwali in case titled as '*Prashant Berar vs. Harvinder Singh*' passed in Execution Petition No. EXE/20/2024, whereby the objections filed by the petitioner have been dismissed.

2. Learned senior counsel for the petitioner contends that the impugned order dated 29.05.2025 was passed by learned Addl. Civil Judge (Sr. Division), Dabwali without taking into consideration the very fact that the petitioner has already filed an appeal against the judgment and decree dated 03.10.2023 whereby though no stay is granted but still if the judgment and decree dated 03.10.2023 is executed then the appeal filed by the



petitioner would be rendered infructuous and no useful purpose would be served.

3. He further contends that the next date before the learned First Appellate Court is 29.10.2025 and the next date before the learned Executing Court is 11.08.2025. He therefore prays that impugned order dated 29.05.2025 passed by learned Addl. Civil Judge (Sr. Division), Dabwali and the Executing Court be directed to adjourn the case beyond the date fixed by the learned First Appellate Court.

4. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.

5. A perusal of the file shows that the suit for possession by way of specific performance of agreement to sell and permanent injunction was filed by the respondent, which was decreed in his favour, vide judgment and decree dated 03.10.2023 and the petitioner was directed to execute the sale deed in favour of the respondent. The petitioner has filed appeal against the judgment and decree dated 03.10.2023 on the ground that the petitioner never executed agreement to sell in favour of the petitioner. Same objections were raised by the petitioner before the learned Addl. Civil Judge (Sr. Division), Dabwali, which was dismissed, vide impugned order dated 29.05.2025.

6. Since the petitioner has filed appeal against the judgment and decree dated 03.10.2023 wherein though no stay is granted by the learned Appellate Court, however, justice demands as per facts and circumstances of this case that directions be issued to the learned Executing Court to adjourn the execution petition filed by the respondent beyond the date fixed by the learned Appellate Court in the appeal filed by the petitioner against the judgment and decree dated 03.10.2023.



7. In view of the peculiar facts and circumstances of this case, the learned Executing Court is requested to adjourn the execution petition filed by the respondent beyond the date fixed by the learned Appellate Court i.e. 29.10.2025.

July 31st, 2025

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**(SUDEEPTI SHARMA)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*