



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

125

**CR-4452-2025 (O&M)**

**Date of decision: 06.08.2025**

**BALDEV SINGH AND ANOTHER**

**...Petitioners**

**Versus**

**HAKAM SINGH (SINCE DECEASED) THROUGH HIS LEGAL HEIRS**

**...Respondent**

**CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. Rajesh Bhatheja, Advocate  
for the petitioners.

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**HARPREET KAUR JEEWAN , J.**

1. Learned counsel for the petitioners contends that the respondent-plaintiff filed a civil suit for specific performance of an agreement to sell. The suit was contested, and judgment and decree dated 01.12.2022 (Annexure P-4) were passed by the Civil Court, Moga, which have been challenged by the petitioners by filing an appeal before the District Judge, Moga (Annexure P-5).

2. On 18.07.2025, the following order was passed:

"It is submitted that the respondent-plaintiff filed an execution petition, wherein the petitioner, by way of an application, contended that the plaintiff has given wrong description of the suit property, which is not in resonance with the agreement to sell and the suit has been decreed based on this wrong description of the suit property. The objections raised by the petitioner were wrongly dismissed by the Executing Court.

2. I have considered the aforesaid submissions.

3. According to the petitioners, the objection petition was



filed along with an application that wrong description of the suit property was given in the plaint on the basis of which, civil suit has been decreed and decree is being executed.

4. The petitioner has already filed an appeal challenging the said decree. It is a well settled principle of law that the Executing Court cannot go beyond the decree.

5. Faced with this situation, learned counsel for the petitioners submits that he has already filed an application before the First Appellate Court seeking interim relief during the pendency of the appeal.

6. He, therefore, seeks a short accommodation in the present matter to pursue with the said application before the First Appellate Court.

7. In the interest of justice, the matter is adjourned to 28.07.2025.

3. Learned counsel for the petitioners submits that the petitioners have already filed an application before the First Appellate Court seeking interim stay along with the First appeal and they intend to pursue the said application.

4. Learned counsel for the petitioners seeks to withdraw the present petition with a prayer that the First Appellate Court may decide the application filed by the petitioners in a time bound manner.

5. In view of the above, the present petition is disposed of with a direction to the First Appellate Court to decide the application filed by the petitioners seeking interim relief pending appeal within a period of 10 days from the date of receipt of certified copy of this order.

6. All the pending miscellaneous applications, if any, shall stand disposed of.

**(HARPREET KAUR JEEWAN)**  
**JUDGE**

**06.08.2025**  
P.Bhatt

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