

fixed for 20.09.2025.

4. I do not find any error in the impugned order dated 10.09.2025 (Annexure P-6). There is no vested right in a judgement-debtor to seek stay of execution pending before the Executing Court merely, because appeal is pending before the First Appellate Court or Second Appellate Court. The Executing Court is bound to execute judgement and decree placed before it in accordance with law, subject to any interim orders passed by Appellate /Revisional authorities. Unless there is a stay, the Executing Court has no right to stay the proceedings by itself only on the ground that appeal is pending. Therefore, no error in the impugned order dated 10.09.2025 can be found.

5. However, keeping in view the fact that application of petitioner for grant of stay is pending before the Appellate Court on 20.09.2025, I feel it appropriate to direct the learned Executing Court not to execute warrants of possession till 22.09.2025, subject to orders passed by Appellate Court. In case, no stay order is passed by the learned Appellate Court, the Executing Court shall be free to proceed in accordance with law.

6. The present petition is dismissed with above directions.

7. Copy of this order be issued under the signatures of Bench Secretary.

16.09.2025

Janki

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No