



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR-6036-2025 (O&M)

Date of Decision: September 05, 2025

Jarnail Singh

.....Petitioner

Vs.

Gurdial Singh through LR's

.....Respondents

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

Present: Mr. M.K. Singla, Advocate  
for the petitioner.

Mr. Saurabh Arora, Advocate  
for the respondent.

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**SUDEEPTI SHARMA J. (Oral)**

1. The present revision petition is filed for setting aside order dated 11.08.2025 passed by learned ACJ (SD) Khamanon in case i.e Execution Application No. 80-2024 titled as Gurdial Singh through LRs versus Jarnail Singh, vide which the application dated 01.08.2025 filed by the petitioner under Order 41 Rule 6 of CPC for staying the execution of judgment and decree dated 21.07.2023, is dismissed.

2. Learned counsel for the petitioner contends that judgment and decree is dated 21.07.2023 and he filed appeal within limitation on 03.10.2023 and first order in the appeal is dated 04.10.2023, which is placed on record as Annexure P-4 with the present petition. He further contends that despite the fact that the petitioner filed appeal within limitation learned ACJ (SD)(Executing Court) has observed that the appeal is filed after 1 ½ years of passing of judgment and decree dated 21.07.2023 and dismissed the application filed before it. Learned counsel for the petitioner contends that the application filed by the respondent under Order 21 Rule



66 CPC to execute judgment and decree dated 21.07.2023 is allowed on the same day i.e 11.08.2025, vide which order for the sale of property of the petitioner is passed and as per schedule, the sale at the spot is fixed for 08.09.2025. He therefore prays that the present revision petition be allowed.

3. Learned counsel for the petitioner further contends that the appeal filed by the petitioner before learned District Judge, Fatehgarh Sahib is fixed for hearing on 17.12.2025, wherein he filed preponement as well and the respondents did not appear. He submits that the petitioner is ready and willing to argue the appeal and prays that direction be issued to learned District Judge, Fatehgarh Sahib to decide his appeal expeditiously.

4. Per contra, learned counsel for the respondent contends that the appeal is filed after a period of limitation prescribed in the Limitation Act. He further contends that even the appeal is filed without affixing the Court fee. He therefore prays that the present revision petition be dismissed.

5. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

6. A bare perusal of the file shows the execution of judgment and decree dated 21.07.2023 is pending and the petitioner filed appeal against judgment and decree dated 21.07.2023 on 03.10.2023. First order in the appeal is 04.10.2023. Further, since the appeal filed by the petitioner is pending, therefore, he filed application under Order 41 Rule 6 CPC for staying the execution of judgment and decree dated 21.07.2023.

7. The reasoning given by the learned Executing Court for dismissing the application moved by the petitioner under Order 41 Rule 6 CPC for staying the execution of judgment and decree dated 21.07.2023, vide order dated 11.08.2025 is not acceptable to this Court, since admittedly the petitioner has already filed



appeal against judgment and decree dated 21.07.2023, which is fixed for hearing on 17.12.2025 and the petitioner is asking for directions from this Court to learned Appellate Court to decide his appeal expeditiously, which shows his *bona fide*.

8. Learned counsel for the petitioner has shown copy of order dated 14.07.2025 to the Court, which clearly shows that warrants of attachment of the petitioner received back duly executed. However, the learned Executing Court failed to appreciate the very fact that vide order dated 14.07.2025, the property of the petitioner was attached, which amounts to security in the execution. Once the property of the petitioner is attached, he cannot alienate or sell the same. Further on the same day i.e 11.08.2025, the learned Executing Court has allowed the application of the respondent filed under Order 21 Rule 66 CPC and the sale warrant of property of the petitioner attached in the execution are issued and the sale at the spot is scheduled for 08.09.2025, which would defeat the purpose of the petitioner of filing an appeal against judgment and decree dated 21.07.2023.

9. In view of the above, since the learned Executing Court has already taken the security by warrant of attachment of the property of the petitioner, therefore the application filed by the petitioner under Order 41 Rule 6 CPC deserves to be allowed.

10. Accordingly, the revision petition is allowed. Order dated 11.08.2025 passed by learned ACJ (SD) Khamanon is set aside.

11. Pending application (s) if any also stands disposed of.

**September 05, 2025**

Gaurav Arora

**(SUDEEPTI SHARMA)  
JUDGE**

Whether speaking/non-speaking : Yes/No  
Whether reportable : Yes/No