



CR No. 6740 of 2025 (O&M) -1-

119 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARHCR No. 6740 of 2025 (O&M)
DATE OF DECISION: 24.09.2025

SHYAM SUNDER ALIAS BHURA

.....PETITIONER

Vs.

GURMEET SINGH AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Narinder Singh Behgal, Advocate,
for the petitioner.

AMARINDER SINGH GREWAL, J.

1. Prayer in the present Civil Revision Petition, filed under Article 227 of the Constitution of India, is for setting aside the impugned order dated 23.05.2025 (Annexure P-15), passed by the learned Executing Court in Execution Petition No. EXE-11-2020, titled *Gurmeet Singh vs. Harjinder Singh and another*, whereby the property of the present petitioner/defendant No. 2/JD No. 2 was attached and ordered to be sold in public auction to satisfy the judgment and decree dated 31.07.2019 (Annexure P-10), for recovery of a total amount of ₹28,20,360/-, and the subsequent order dated 01.09.2025 (Annexure P-16), whereby fresh sale warrants were issued by the learned Executing Court due to an erroneous report of the 'Ahlmad', who had issued sale warrants for ₹15,00,000/- instead of ₹28,20,360/-, and the order dated 08.09.2025 (Annexure P-17), whereby after filing of the 'munadi' fee by the decree-holders, the schedule of sale of the property of the petitioner/defendant No. 2/JD No. 2 was



issued.

1.1 It is further alleged that while passing the aforesaid orders, the learned Executing Court, by exceeding its jurisdiction, ordered recovery of ₹28,20,360/- only from the present petitioner/defendant No. 2/JD No. 2, beyond the amount recoverable from the petitioner/defendant No. 2/JD No. 2 in terms of the judgment and decree dated 31.07.2019 (Annexure P-10), in which recovery of ₹15,00,000/- along with future interest @ 6% per annum from the date of the suit until recovery had been ordered from both the judgment-debtors, namely Harjinder Singh/defendant No. 1 and the petitioner/defendant No. 2/JD No. 2, jointly, severally and co-extensively.

2. Brief facts of the case are that the respondents-plaintiffs had filed a suit for recovery of ₹15,00,000/- against the present petitioner and proforma respondent No. 3 – Harjinder Singh @ Dulla, by way of damages for causing the death of Ikwinder Singh, son of the plaintiffs.

2.1 The suit was contested by the present petitioner and Harjinder Singh @ Dulla. Issues were framed, evidence was led, and ultimately the suit of the plaintiffs was decreed, holding both the defendants individually, collectively and co-extensively liable for causing the death of Ikwinder Singh. The defendants were given two months for making the payment, failing which they were directed to pay the decretal amount with *pendente lite* and future interest @ 6% per annum from the date of the suit until recovery, vide judgment and decree dated 31.07.2019 (Annexure P-10), passed by the learned Civil Judge (Junior Division), Rajpura, in Civil Suit No. 232/RT/2013, dated 20.01.2011, titled *Gurmeet Singh and another vs.*



Harjinder Singh @ Dulla and another.

2.2 Thereafter, the execution application was filed before the learned Civil Judge (Junior Division), Rajpura, in which it was submitted that the property of Judgment Debtor No. 2, Shyam Sunder @ Bhura (the petitioner), had already been attached by the Court and now the same may be ordered to be put to sale in public auction for satisfaction of the judgment and decree dated 31.07.2019 (Annexure P-10). A total amount of ₹28,20,360/- was stated to be recoverable from the judgment-debtors. The objections were filed to the application under Order XXI Rule 66 CPC by the present petitioner, and it was argued on his behalf that a civil appeal is pending against the judgment and decree dated 31.07.2019 (Annexure P-10). However, the learned Executing Court, vide order dated 23.05.2025 (Annexure P-15), held that there is no stay in the present execution and that the same can only be satisfied by way of sale of the property of the judgment-debtors. Accordingly, the application under Order XXI Rule 66 CPC was allowed and sale warrants were issued. However, the sale was not executed as the amount mentioned in the warrants was ₹15,00,000/-, whereas the total amount recoverable was ₹28,20,360/-, in terms of the order dated 23.05.2025 (Annexure P-15). Thereafter, as per the order dated 01.09.2025 (Annexure P-16), it was clarified that recovery of ₹28,20,360/- was to be made from the judgment-debtors, and therefore, fresh sale warrants were issued for 08.09.2025. The auction of the property of the judgment-debtors was scheduled to be held on 29.09.2025, as recorded in order dated 08.09.2025 (Annexure P-17).



3. Learned counsel for the petitioner/Judgment Debtor No. 2 submits that if the operation of the impugned judgment and decree dated 31.07.2019 (Annexure P-10), passed by the learned Civil Judge (Junior Division), Rajpura, and the orders dated 23.05.2025 (Annexure P-15), 01.09.2025 (Annexure P-16) and 08.09.2025 (Annexure P-17), passed by the learned Executing Court including further proceedings are not stayed, the appeal, which has already been filed by the petitioner before the learned Additional District Judge, Patiala, will be rendered purposeless. He, therefore, prays that during the pendency of the appeal, operation of the impugned judgment and the aforesaid orders may be stayed.

4. I have heard learned counsel for the revisionist-petitioner and perused the paper-book.

5. In view of the order proposed to be passed, notice is not being issued to the respondents, as it would delay the proceedings besides entailing additional expense to them.

6. Keeping in view the facts and circumstances of the case, and after hearing learned counsel for the petitioner, this Court is of the considered opinion that the contention of learned counsel for the petitioner is acceptable to the extent that if operation of the impugned judgment and decree dated 31.07.2019 (Annexure P-10), passed by the learned Civil Judge (Junior Division), Rajpura, and the orders dated 23.05.2025 (Annexure P-15), 01.09.2025 (Annexure P-16) and 08.09.2025 (Annexure P-17), passed by the learned Executing Court including further proceedings are not stayed, the appeal which has already been filed and is pending before the learned Additional District Judge, Patiala, would be rendered



purposeless.

7. Consequently, the present petition is disposed of with a direction to the learned Additional District Judge, Patiala, to decide the appeal pending before it within a period of three months from today.

8. Till then, operation of the impugned judgment and decree dated 31.07.2019 (Annexure P-10), passed by the learned Civil Judge (Junior Division), Rajpura, and the orders dated 23.05.2025 (Annexure P-15), 01.09.2025 (Annexure P-16) and 08.09.2025 (Annexure P-17), passed by the learned Executing Court including further proceedings shall remain stayed.

9. However, it is made clear that since the petition is being allowed without issuing notice of motion to the respondents, they shall remain at liberty to file an appropriate application, in case any fact has been misconceived or concealed before this Court, or by showing sufficient cause, for recalling of this order.

10. Pending miscellaneous application(s), if any, shall also stand disposed of.

SEPTEMBER 24, 2025
nitin

(AMARINDER SINGH GREWAL)
JUDGE

Whether Speaking	Yes
Whether Reportable	No