



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

(122)

CR-5640-2025 (O&M)
Date of Decision:-**21.08.2025**

HAKAM SINGH

... Petitioner

Versus

KANTA DEVI SINCE DECEASED THROUGH LR AND OTHERS

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Vinod Bhardwaj, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. This revision petition under Article 227 of the Constitution of India has been directed against the order dated 05.08.2025 (Annexure P-7) passed by the learned Additional District Judge, Kaithal vide which the application for staying the operation of the judgment and decree dated 09.12.2024 during the pendency of the appeal preferred by the petitioner has been dismissed.
2. The order has been challenged on the basis that it is wrong, illegal, and unjust, since the Executing Court is continuing with the petition. It is contended that if the impugned judgment and decree is not stayed, then the very purpose of filing the appeal will be defeated.
3. I have heard the learned counsel for the petitioner and carefully examined the record in detail.



4. Impugned order reveals that the petitioner's appeal has not yet been entertained. Instead, there is an application pending for condonation of 104 days delay in filing the appeal. Since this application for condonation of delay is still awaiting adjudication, the appeal itself has not been admitted or taken on record. Consequently, the stay application cannot be properly considered or granted by the First Appellate Court at this stage. Therefore, deciding the stay application on its merits due to the conduct of the appellant is legally unsound. In view of this, the impugned order is set aside. The learned First Appellate Court is directed to expeditiously decide the application for condonation of delay first and, only if the appeal is admitted, then to proceed to consider the application for staying the operation of the impugned judgment and decree on its merits.

5. However, observations made herein above may not to be construed as opinion on the merits of the case. Same are purely confined to the present controversy and deliberations.

6. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

21.08.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No