



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CR-4879-2025 (O&M)

Date of Decision: July 29, 2025

Amarjeet Ram @ Amarjeet Singh

.....Petitioner

Vs.

M/s Bachan Singh and Sons

.....Respondent

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

Present: Mr. Fateh Saini, Advocate  
for the petitioner.

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**SUDEEPTI SHARMA J.**

1. The present revision petition is for setting aside order dated 16.07.2025 passed by the learned Civil Judge (Jr. Divn.) Guhla whereby the application filed by the petitioner to adjourn *sine die* the execution proceedings during the pendency of the first appeal, was dismissed.

2. Learned counsel for the petitioner contends that the appeal filed by the petitioner is pending. Though no stay is granted in the same, since this is a money decree of recovery of Rs.2,88,000/- along with interest and the petitioner is an indigent person, the appeal filed by him would be infructuous in case the judgment and decree dated 09.02.2023 is executed. Vide impugned order dated 16.07.2025, conditional warrant of arrest against the petitioner has already been issued for 30.07.2025. He further contends that now the appeal is fixed for hearing on 14.08.2025 and as per his instructions, learned Presiding Officer is on medical leave till 15.10.2025. The petitioner is ready to argue the appeal but due to



unavoidable circumstances, the appeal would not be argued since learned Presiding Officer is on medical leave till 15.10.2025.

3. I have heard learned counsel for the petitioner and perused the whole file of this case with his able assistance.

4. A perusal of the file shows that admittedly the execution is for execution of judgment and decree dated 09.08.2023 whereby the suit for recovery of Rs.2,88,000/- along with interest filed by the respondent/decree holder, was decreed in his favour and the petitioner/Judgment Debtor has filed appeal against the judgment and decree dated 09.08.2023. In case the judgment and decree dated 09.08.2023 is executed, the appeal filed by the petitioner would become infructuous.

5. The learned Executing Court should appreciate the fact that the appeal is filed by the petitioner against the judgment and decree dated 09.08.2023 and even though no stay is granted, the learned Executing Court should wait for the decision of the appeal since the present is a case of judgment and decree for recovery and if recovery is effected from the petitioner, his appeal would be rendered infructuous, therefore, justice demands that the learned Executing Court should adjourn the matter beyond the date fixed in the appeal and wait for decision in the appeal.

6. Hon'ble the Supreme Court in a case of '***Mool Chand Yadav and another vs. Raza Buland Sugar Company Ltd, Rampur and others, SCC 1982 (3) SCC***', has held that during the pendency of the appeal any order having civil consequences connected with the appeal must be stayed.

7. In view of the above, the present petition is ***allowed***. Order dated 16.07.2025 dismissing the application of the petitioner and order dated 16.07.2025 issuing conditional warrant of arrest against the petitioner/judgment debtor, both



passed by the learned Civil Judge (Jr. Divn.), Guhla, are set aside. Learned Executing Court is directed to adjourn the matter and wait for the decision in the appeal filed by the petitioner/judgment debtor.

8. Pending application(s), if any, also stand disposed of.

**(SUDEEPTI SHARMA)**  
**JUDGE**

**July 29, 2025**

Gaurav Arora

Whether speaking/non-speaking : Yes

Whether reportable : Yes