



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CR-4869-2025 (O&M)

Date of Decision: July 29, 2025

Nirbhay Singh

.....Petitioner

Vs.

Prashant Berar

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Dr. Amol Rattan Sidhu, Sr. Advocate assisted by
Mr. Shiv Kumar Sharma, Advocate
for the petitioner.

SUDEEPTI SHARMA J.

1. Challenge in the present petition is to order dated 29.05.2025 passed by learned Addl. Civil Judge (Sr. Division), Dabwali in case titled as '*Prashant Berar vs. Nirbhay Singh*' passed in Execution Petition No. EXE/16/2024, whereby the objections filed by the petitioner have been dismissed.

2. Learned senior counsel for the petitioner contends that the impugned order dated 29.05.2025 was passed by learned Addl. Civil Judge (Sr. Division), Dabwali without taking into consideration the very fact that the petitioner has already filed appeal against the judgment and decree dated 03.10.2023 whereby though no stay is granted but still if the judgment and decree dated 03.10.2023 is executed then the appeal filed by the petitioner would be rendered infructuous and no useful purpose would be served.

3. He further contends that the next date before the learned Appellate Court is 05.08.2025 and the next date before the learned Executing Court is 30.07.2025. He therefore prays that impugned order dated 29.05.2025 passed by learned Addl. Civil Judge (Sr. Division), Dabwali and the Executing Court be



directed to adjourn the case beyond the date fixed by the learned First Appellate Court.

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

5. A perusal of the file shows that the suit for possession by way of specific performance of agreement to sell and permanent injunction was filed by the respondent, which was decreed in his favour, vide judgment and decree dated 03.10.2023 and the petitioner was directed to execute the sale deed in favour of the respondent. The petitioner has filed appeal against the judgment and decree dated 03.10.2023 on the ground that the petitioner never executed agreement to sell in favour of the petitioner. Same objections were raised by the petitioner before the learned Addl. Civil Judge (Sr. Division), Dabwali, which was dismissed, vide impugned order dated 29.05.2025.

6. Since the petitioner has filed appeal against the judgment and decree dated 03.10.2023 wherein though no stay is granted by the learned Appellate Court, however, justice demands as per facts and circumstances of this case that directions be issued to the learned Executing Court to adjourn the execution petition filed by the respondent beyond the date fixed by the learned Appellate Court in the appeal filed by the petitioner against the judgment and decree dated 03.10.2023.

7. In view of the peculiar facts and circumstances of this case, the learned Executing Court is requested to adjourn the execution petition filed by the respondent beyond the date fixed by the learned Appellate Court i.e 05.08.2025.

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