



CR-6455-2025

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

CR-6455-2025

Date of Decision: 16.09.2025

BHARPOOR SINGH

....Petitioner

Versus

JASWINDER KAUR AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Gaurav Sharma, Advocate
 for the petitioner.

Parmod Goyal, J. (Oral)

The present petitioner/judgment debtor is aggrieved by the impugned order dated 29.07.2025, vide which objections preferred by the judgment debtor against execution preferred by decree holder seeking enforcement of judgment and decree dated 17.02.2020 was dismissed.

2. The only objection taken by petitioner/judgment debtor against the execution was that his appeal against judgment and decree dated 17.02.2020, is pending before the learned Appellate Court and executing Court has no right to proceed unless his appeal is decided. However, learned executing Court has rightly rejected the sole objection raised by petitioner/judgment debtor. Mere pendency of appeal against the judgment and decree which is subject matter of execution does not justify stay of execution proceedings. Remedy, if any, with petitioner lies under Order XLI Rule 5 CPC before the learned Appellate Authority.

3. The present is a money decree and instead of approaching the



learned Appellate Court, judgment debtor is trying to stop the executing Court from executing decree which has yet not been set aside. No fault with the approach of executing Court can be found.

4. At this stage, learned counsel for petitioner submits that petitioner is ready to deposit Rs.5,00,000/- to show his *bona fides*. In view of the submissions made by learned counsel for petitioner, at this stage, let amount of Rs.5,00,000/- be deposited within one week and remaining amount along with interest be deposited within three months with the executing Court. The executing Court shall deposit the entire amount in FDR fetching maximum interest which shall be payable to the party succeeding in appeal preferred by the petitioner. No coercive steps shall be taken initially for one week and if amount is deposited within one week then coercive steps shall not be taken against petitioner till expiry of three months from today for depositing of remaining amount and in case, the entire amount is paid and deposited in the FDR, coercive steps against petitioner shall not be taken.

5. Present revision petition is dismissed subject to above terms.

16.09.2025
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No