

**112 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****CR-6391-2025 (O&M)****Date of Decision: September 12, 2025****Bhishamber Lal @ Bishambar Ram****...Petitioner****Versus****Onkar Singh****...Respondent****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA****Present:-** Mr. Kashmir Singh, Advocate for the petitioner.**DEEPAK GUPTA, J.(Oral)**

Petitioner herein is the judgment debtor in execution petition No.196 of 2024, titled as "*Onkar Singh v. Bishambar Ram*" pending before learned Civil Judge (*Jr. Divn.*), Hoshiarpur. He is aggrieved by the order dated 21.08.2025 (*Annexure P-6*), whereby his objections against the execution have been dismissed.

2. Learned counsel for the petitioner submits that in the suit filed by the plaintiff-decree holder (*respondent herein*), a decree dated 19.10.2024 (*Annexure P-1*) was passed by the trial Court, whereby defendant, i.e. petitioner herein was directed to hand over the vacant possession of the suit property to the plaintiff within two months. Learned counsel submits that before the expiry of the said period of two months, petitioner filed an appeal on 27.11.2024 (*copy Annexure P-2*), along with an application under Order 41 Rule 5 CPC. The respondent of the appeal even filed reply to the said application. However, in the meantime, the decree holder, i.e. respondent of the appeal filed an execution, wherein objections were filed by the petitioner-judgment debtor to the effect that his appeal along with application for stay was pending and so the execution proceedings could not be taken further. However, said objections have been

dismissed by way of the impugned order dated 21.08.2025 (Annexure P-6) by observing that there was no stay from the appellate Court and that mere pendency of appeal does not automatically stay the execution proceedings. Learned counsel further submits that the very purpose of filing the appeal shall be defeated, in case the decree passed by the trial Court is implemented as even application under Order 41 Rule 5 CPC moved by the petitioner has not been disposed of by the appellate Court till date.

3. Having considered submissions of learned counsel, the present revision petition is hereby disposed of with a direction to the appellate Court to dispose of the application of the petitioner filed under Order 41 Rule 5 CPC expeditiously. It is further directed that till the disposal of the said application under Order 41 Rule 5 CPC in the appeal filed by the petitioner, the execution proceedings shall be kept in abeyance.

Since this order has been passed without issuing any notice to the respondent-decree holder, he will be at liberty to approach this Court, in case he feels aggrieved by this order.

September 12, 2025

sarita

**(DEEPAK GUPTA)
JUDGE**

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No