



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

(121)

CR-5863-2025 (O&M)
Date of Decision:-**01.09.2025**

NEELAM DEVI

... Petitioner

Versus

KRISHAN KUMAR AND ANOTHER

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present:- Mr. Harshit Singla, Advocate
for the petitioner.

VIRINDER AGGARWAL, J. (Oral)

1. By way of this civil revision petition, the petitioner has assailed the order dated 11.08.2025, whereby the application seeking stay of execution of the decree, pending adjudication of the appeal before the Appellate Court, has not been entertained. The petitioner is aggrieved by the refusal of interim relief during the pendency of the appeal.
2. I have heard the learned counsel for the petitioner and have perused the record minutely.
3. There appears to be no illegality or perversity in the impugned order. Since the petitioner has admitted to have filed an appeal, the provisions of Order XXI Rule 26 CPC become applicable. In such circumstances, the Executing Court is not obligated to stay the execution proceedings merely on account of the pendency of an appeal. It is exclusively within the domain of the Appellate Court to determine whether or not the execution of the decree ought to be stayed during the pendency of the appeal.



3.1. However, in the present case, the appeal has been filed with a delay of two days, and only the application seeking condonation of delay has been registered and entertained by the Appellate Court. As a result, the application for stay of execution proceedings has not yet been taken up by the First Appellate Court.

3.2. Meanwhile, the Executing Court continues to proceed with the execution of the decree, which raises a concern that, in case the decree is executed, the very purpose of filing the first appeal may be rendered infructuous.

4. In light of the foregoing, the executing Court is directed to adjourn the execution proceedings to a date beyond the one fixed before the First Appellate Court. The petitioner shall actively pursue and press for the disposal of the application seeking condonation of the delay of two days in filing the appeal. The First Appellate Court is requested to decide the said application expeditiously, preferably within a period of 15 days from the date of receipt of a certified copy of this order.

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.

01.09.2025
Gaurav Sorot

(VIRINDER AGGARWAL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No