



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

123

CR No.2533 of 2025 (O&M)

Date of Decision :12.05.2025

Samir Bhatt**.....Petitioner****Versus****Manohar Lal Bhatt and others****..... Respondents****CORAM: HON'BLE MR.JUSTICE VIKRAM AGGARWAL**

Present : Mr. Aditya Dassaur, Advocate for the petitioner.

Mr. B.K.Mehta, Advocate for respondent No.1.

VIKRAM AGGARWAL, J. (Oral):

The present revision petition assails the order dated 27.03.2025 (Annexure P-16), passed by the Court of Civil Judge (Jr. Divn.), SBS Nagar, vide which the objections filed by the petitioner in an execution petition were dismissed.

2. A suit for separate possession by means of partition was filed by respondent No.1-plaintiff (Manohar Lal Bhatt), and a preliminary decree was passed on 27.10.2014 by the Court of Additional Civil Judge (Sr. Divn.) SBS Nagar. No appeal was filed against the said decision after which proceedings for passing of a final decree were initiated. Final decree was passed on 29.11.2023 (Annexure P-8) by the Court of Civil Judge (Jr. Divn.) SBS Nagar. Against the said decree, the present petitioner is in appeal, which is stated to be pending before the Additional District Judge, SBS Nagar.

3. The petitioner filed objections during the execution proceedings (Annexure P-10) which were opposed by way of a reply (Annexure P-11). The objections were dismissed by way of impugned order dated 27.03.2025 (Annexure P-16).



4. The sole argument put forth by learned counsel for the petitioner is that the stay application filed by him along with the appeal remains undecided. He submits that the First Appellate Court may either decide the appeal which is now fixed for arguments or take a decision on the said application before execution proceedings proceed.

5. Mr. B.K. Mehta, learned counsel representing respondent No.1, fairly submits that he would have no objection if such a direction is issued to the Appellate Court and the Executing Court.

6. I have considered the submissions made by learned counsel for the parties.

7. Concededly, the appeal (CA-84-2024), filed by the petitioner, against the final decree dated 29.11.2023 (Annexure-P8), passed by the Court of Civil Judge (Jr. Divn.) SBS Nagar, is pending adjudication before the Court of learned Additional District Judge, SBS Nagar, which is accompanied by an application for stay which is yet to be decided. The present revision petition is, therefore, disposed of with a direction to the said Court to either decide the appeal on the date fixed which is now stated to be 15.05.2025 or to take a decision on the application for stay. Till such a decision is taken on the application for stay or in the appeal (whichever is earlier), the execution proceedings shall remain in abeyance.

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

(VIKRAM AGGARWAL)
JUDGE

12.05.2025

Manoj Bhutani

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