

Exe.74.2017 Jagan Nath Vs Parmodh Kumar etc

Exe.74.2017

File No.03 of 06.01.2018

Order dated: 01.08.2019.

Pending Date: 06.08.2019.

Application for sine die of execution.

Present: Sh.PK Garg Adv. Counsel for JD/applicant.  
Sh.PS Jaura Adv. Counsel for DH/respondent.

**ORDER:**

1. Heard on application dated 11.07.2019 filed by Jagan Nath for sine die adjournment of the application. During arguments Id. Counsel for the JD and the DH reiterated the respective submissions of the parties as made in the application and its reply.

2. File perused and arguments considered. The present execution has been filed for execution of Judgment and Decree dated 18.11.2017 passed by the court of Sh.Sukhwinder Singh, the then Addl. Civil Judge (Sr. Division), Phul, vide which suit of Jagan Nath was dismissed with costs. The execution has been filed by Parmodh Kumar. The application of JD is on the ground that he has filed appeal against the said Judgment and decree under execution and due to this reason, the execution be adjourned sine die. Here this is court is of the considered view that when no order is passed by the learned Appellate court for stay of the proceedings of the execution or for stay operation of the Judgment and Decree under execution, there is no ground made out to adjourn the execution sine die. Mere filing of appeal is not a ground in itself to stay the execution or to stop its proceedings. Therefore, there is no ground made out in the application moved by Jagan Nath and the same is dismissed.

3. Today Jagan Nath has filed fresh objections. Adjourned to 06.08.2019 for reply to such objections.

Dated 01.08.2019  
Jaspal-Stenographer

(Shampy Chaudhary PCS),  
ACJ(SD)/Phul.(UID No.PB0327)