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

**CM-10283-CII-2026 in/and
CR-4107-2026 (O&M)
Date of decision: 15.05.2026**

Rajiv Kapoor and Another**.....Petitioners****Versus****Vijay Luxmi Garg****.....Respondent****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present : Mr. Fateh Sahota, Advocate,
Ms. Kawal Dhillon, Advocate and
Mr. Didar Singh, Advocate
for the petitioners.

HARPREET KAUR JEEWAN, J. (Oral)

1. Present civil revision has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 30.04.2026 (Annexure P-18) passed by the Additional Civil Judge (Senior Division), Kharar, in Execution Proceeding bearing No. EXE-259-2025, whereby the application for staying the execution proceedings was dismissed.

2. Learned counsel for the petitioner contends that recovery suit of the respondent-plaintiff was decreed vide *ex-parte* order dated 30.11.2203 passed by Civil Judge, Patiala. Thereafter, the petitioner on coming to know about the *ex-parte* decree, filed an application under Order 9 Rule 13, Code of Civil Procedure, 1908 before the trial Court Patiala, for setting aside the *ex-parte* judgment-decree. Alongwith the said application, request was also made to stay the proceedings before the Executing Court and an application seeking the said relief (Annexure P-11) was filed, notice of the said



application was issued to the respondent-decree holder which is evident from the Order dated 02.09.2025 (Annexure P-13) passed by the trial Court at Patiala. The said application Order 9 Rule 13, CPC is pending. Neither the Court at Patiala nor the Executing Court, Kharar had stayed the proceedings in the execution. Learned counsel for the petitioner submits that in case the proceedings of the Executing Court are not stayed, the rights of the petitioner would be infringed and he would suffer irreparable loss.

3. Learned counsel has placed reliance on the judgments passed by this Court in *Jaswant Singh Versus Dr. Prithvi Singh Leghe and Others.*, CR-1633-2026 decided on 19.02.2026 and *Balvir Singh. Versus Balkees Rani and Others*, CR-5534-2019 decided on 09.09.2019.

4. Noticing the fact that no order has been passed by the trial Court on the application filed for staying the proceedings of the execution, during the pendency of the application under Order 9 Rule 13, CPC, this Court is of the considered opinion that a direction should be given to the said Court to decide the said application, expeditiously.

5. In such circumstances, issuance of notice to the respondent(s) would further delay the proceedings. Consequently, issuance of notice to the respondent(s) is dispensed with.

6. The present petition is disposed of with a direction to the trial Court-Civil Judge, Patiala to consider and decide the application (Annexure P-11) seeking stay of proceedings of execution pending before the Executing Court-Kharar. The said application should preferably be decided within a period of one month upon receiving a copy of this order.



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7. Further, as an interim measure, the Executing Court shall not proceed further, till then. However, it is made clear that there are no observations on merits of the case.

8. The respondent is given a limited liberty, to file an application for recalling of this order, in case factual or incorrect averments are made.

9. Disposed of accordingly.

10. Pending miscellaneous applications, if any, shall stand disposed of.

15.05.2026*Avtar***[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*