



2026:PHHC:044207



2026:PHHC:021675

CM No.5752-CII of 2026 in/and
CR No.9566 of 2025

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

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CM No.5752-CII of 2026 in/and
Civil Revision No.9566 of 2025
Date of decision: March 20th, 2026

Suresh Kumar

.....Petitioner

Versus

Balraj Singh

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Shalender Mohan, Advocate
for the applicant-petitioner.

Mr. R.K. Saini and Mr. Ankit Saini, Advocates
for the respondent.

VIKAS BAHL, J. (ORAL)

CM No.5752-CII of 2026

This is an application filed under Section 151 CPC for revival of the petition.

For the reasons stated in the application which is duly supported by an affidavit, the present application is allowed and order dated 12.02.2026 is recalled and the main case is restored to its original number and is taken on Board today itself.

CR No.9566 of 2025

This is a civil revision petition under Article 227 of the Constitution of India for setting aside the impugned order dated 03.12.2025 passed by Additional District Judge, Hisar, whereby the stay application has been dismissed, although the main appeal is stated to be pending for hearing.

2. On 12.01.2026, this Court was pleased to pass the following



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order:

“Present: Mr. Shalender Mohan, Advocate for the petitioner.

Inter alia contends that in the present case, vide judgment dated 03.05.2023, the suit filed by the respondent for possession was decreed. It is submitted that the petitioner had filed an appeal against the said judgment within the period of limitation along with application for stay and in the appeal as well as in the application for stay, notice was issued. It is submitted that the respondent had filed the execution proceedings and when the warrants of possession had been issued and the application for stay/main appeal had not been decided, the petitioner had filed CR-8310-2025 and the Coordinate Bench of this Court, vide order dated 17.11.2025, was pleased to direct the First Appellate Court to take up the application for stay and in the meantime, the Executing Court was directed to keep the execution of warrants of possession in abeyance. It is further submitted that the application for stay has been dismissed whereas the main appeal has been ordered to be heard on 02.02.2026. It is argued that in case the possession is taken from the petitioner during the pendency of the first appeal then irreparable loss would be caused to the petitioner. It is further submitted that the petitioner would be ready to argue the case on 02.02.2026 or on any other date which the First Appellate Court directs the petitioner/his counsel to argue the case. It is further submitted that the petitioner is also ready to compensate the respondent for the inconvenience caused to the respondent.

Notice of motion for 29.01.2026.

To be taken up in the urgent list.

Till the next date of hearing, the Executing Court is directed to give the date beyond the date fixed by this Court. The petitioner would bring an amount of



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Rs.10,000/- as litigation expenses on the next date of hearing

Liberty is granted to the petitioner to serve the respondent through dasti process as well as through his counsel appearing before the First Appellate Court/Executing Court.

12.01.2026”

3. Learned counsel for the petitioner has submitted that the petitioner has handed over an amount of ₹10,000/- to the counsel for the respondent, which fact has been reaffirmed by the counsel for the respondent. It is submitted that the main appeal is now pending for 10.04.2026 and the petitioner would be ready to argue the first appeal before the First Appellate Court on the said date or any other date which the First Appellate Court directs the petitioner and his counsel to argue. It is submitted that till the time the said appeal is decided, the Executing Court be directed to adjourn the execution proceedings or liberty be granted to dispose of the execution with liberty to the parties to file afresh or revive the said execution in accordance with the order passed by the First Appellate Court.

4. Learned counsel for the respondent has submitted that the grant of the interim order should not be construed as an expression on the merits of the case and the First Appellate Court be directed to decide the case expeditiously and independently after hearing the counsel for the respondent also.

5. Keeping in view the abovesaid facts and circumstances and the fair stand taken by the counsel for the petitioner as well as counsel for the



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respondent, the impugned order is partly set aside and the revision petition is disposed of with the following observations/directions:

- (i) The counsel for both the parties appearing before the First Appellate Court would be ready to argue the matter, as undertaken before this Court on 10.04.2026 or any other date which the First Appellate Court fixes for the said purpose. The First Appellate Court is requested to decide the first appeal which is pending since 2023 as expeditiously as possible.
- (ii) Till the time the first appeal is decided, the execution proceedings would be stayed. The grant of the said interim order would not be construed as an expression on the merits of the case and the First Appellate Court would decide the appeal independently after hearing both the parties. It would also be open to both the parties to move a joint application before the Executing Court to dispose of the execution application at this stage granting liberty to both/either of the parties to revive the same after the decision of the First Appellate Court.
- (iii) In case the counsel for the petitioner is not ready to argue the matter on 10.04.2026 or any date which the First Appellate Court gives, then, it would be open to the respondent to move an application for revival of the present revision petition.

March 20th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No