

In the High Court of Punjab and Haryana at Chandigarh

Civil Revision No. 2143 of 2015
Date of Decision: 26.3.2015.

Balvir Kaur

.....Petitioner

Versus

Jagraj Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Harkesh Manuja, Advocate
for the petitioner.

SABINA, J.

Petitioner has filed this petition challenging the order dated 21.2.2015 (Annexure P-15).

I have heard the learned counsel for the petitioner and have gone through the record available on the file carefully.

Impugned order dated 21.2.2015 (Annexure P-15) reads as under:-

“Arguments on application for staying the execution proceedings have been heard. Ld. counsel for JD has moved the present application on the ground that he has moved the application for restoration of the application U/o 9 Rule 13 CPC. However, on the other hand Ld. Counsel for DH has submitted that the said application has been dismissed by the court vide order dated 21.2.2015. Keeping in view of submissions made by Ld.counsel for DH, present application for staying the

execution proceedings become infractious and disposed of accordingly.

Perusal of the file reveals that the Sub Registrar not registered the sale deed despite of order of the court. Sub Registrar is directed to get the sale deed registered for 2.3.2015, for which date show cause notice to Sub Registrar for not registering the sale deed despite of order of the court, be also issued.”

Respondent had filed suit for specific performance of agreement to sell dated 15.3.2008. Petitioner failed to appear despite service and was proceeded *ex parte* vide order dated 17.7.2009. Suit filed by the respondent was decreed in *ex parte* vide judgment/decreed dated 6.3.2010 (Annexure P-1). Petitioner filed an application under Order 9 Rule 13 of the Code of Civil Procedure, 1908 ('CPC' for short) for setting aside the *ex parte* judgment/decreed dated 6.3.2010 passed against her. The said application was dismissed in default vide order dated 20.11.2013 (Annexure P-4).

Thereafter, petitioner moved an application for restoration of the application under Order 9 Rule 13 CPC. The said application was dismissed vide order dated 21.2.2015. Therefore, the impugned order is liable to be upheld.

Hence, no ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

March 26, 2015
Gurpreet