

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

VARINDER SINGH
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Punjab & Haryana High Court at
Chandigarh

CR No. 2729 of 2015 (O&M)

Ahmad

.... Petitioner

versus

Mukesh Kumar

.. Respondent

Coram: Hon'ble Mr. Justice Rajesh Bindal

Present: Mr. Sanjeev Kumar Bawa, Advocate, for the petitioner.
Mr. Ashish Gupta, Advocate, for the respondent.

Rajesh Bindal, J.

The petitioner has approached this Court with a grievance that his application for setting aside the ex-parte decree dated 30.3.2012 is pending before the Court below. However, in execution filed by the respondent/ decree-holder, the learned Court below has refused to grant interim stay of execution till such time the application for setting aside ex-parte decree is decided. The proceedings in the same are stated to be pending for 30.5.2015. It is further submitted that the application for stay of execution has been filed even in the application filed by the petitioner for setting aside of ex-parte decree.

Having heard learned counsel for the parties and considering the subject matter in dispute, in my opinion, the interest of both the parties can very well be protected in case the learned Court below is directed to decide the application filed by the petitioner under Order IX Rule 13 CPC for setting aside of ex-parte decree on or before 30.10.2015 and till such time execution of the decree, setting aside of which has been prayed by the petitioner, remains stayed.

Ordered accordingly.

The petition stands disposed of.

18.5.2015
vs

(Rajesh Bindal)
Judge