

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CR 4184 of 2015

Date of Decision: July 16, 2015

Pritam Singh

.....Petitioner

Vs.

Narinder Kumar

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr.Amit Verma, Advocate  
for the petitioner.

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**M.M.S. BEDI, J. (ORAL)**

In order to resist the execution of an ex-parte decree of specific performance, the defendant- judgment debtor/ petitioner seems to have filed an application for setting aside the ex-parte order by moving an application before the Executing Court. Vide impugned order dated July 6, 2015 the said application has been dismissed.

On asking of the Court, learned counsel for the petitioner informs that neither any application under Order 9 Rule 13 CPC has been filed nor any appeal against the ex-parte decree has been preferred under the provisions of Order 41 CPC.

After hearing learned counsel for the petitioner, I am of the considered opinion that the application for setting aside the ex-parte order or decree before the Executing Court is not maintainable as the Executing Court does not have any jurisdiction to go beyond the decree.

This petition is dismissed without prejudice to the rights of the petitioner to avail any other legal remedy available to him in accordance with law.

July 16, 2015  
sanjay

(M.M.S.BEDI)  
JUDGE