

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

(110)

**CR No.4462 of 2015 (O&M)
Decided on: August 07, 2015.**

Suraj Bhan

.... Petitioner

Versus

Hari Om and others

..... Respondents

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

Present: Mr. B.K. Bagri, Advocate,
for the petitioner.

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

Miscellaneous application for placing on record Annexures P25 and P26 is allowed and the documents are taken on record.

Suit of the plaintiff/respondents No.1 and 2 for possession on the basis of a registered sale deed of khasra No.106 encroached by the defendants/petitioner, has been decreed.

The execution application was filed during pendency of the first appeal and is being proceeded against the petitioner-judgment debtor after proceedings the petitioner against ex parte vide order dated 09.04.2012. The suit of the plaintiffs-respondents has been decreed on the basis of two reports of the Local Commissioner. The validity of said reports has been questioned by the petitioner.

Learned counsel for the petitioner submits that RSA No.1212 of 2013 against the judgments of the Courts below passed against the petitioner is pending before this Court for 30.10.2015. In the present revision petition, the judgment debtor has challenged the order dated

09.04.2012 by virtue of which the judgment debtor had been proceeded against ex parte. The petitioner does not seem to have filed any application for setting aside ex parte proceedings before the executing Court. The petitioner neither seems to have filed any objections nor seems to have made any attempt to seek interim relief in the RSA pending before this Court.

Taking into consideration the aforesaid circumstances, this revision petition is not maintainable. This petition is dismissed as premature without prejudice to the right of the petitioner to move an application before the Executing Court to set aside the ex parte order dated 09.04.2012 or to file legal objections in accordance with law regarding the execution as per relevant provisions of Code of Civil Procedure or to claim any interim relief in the regular second appeal pending before this Court.

(M.M.S. BEDI)
JUDGE

August 07, 2015
harsha