

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5807 of 2015 (O/M)
Date of decision : 7.9.2015

Rashpal Singh

..... Revisionist

Versus

Amrik Singh

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Vipin Mahajan, Advocate, for the revisionist.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

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KULDIP SINGH, J. (ORAL)

Impugned in the present revision is the order dated 31.7.2015 (Annexure-P-7), passed by the learned Additional Civil Judge (Senior Division), Batala, vide which the objections filed by the revisionist/judgment debtor were dismissed and warrants of possession of suit property have been issued.

Learned counsel for the revisionist contends that an ex-parte judgment and decree dated 7.12.2013 was passed against the revisionist. He has filed objections before the lower Court. The stay has been refused and warrants of possession have been issued. It

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is further contended that in the application under Order 9 Rule 13 of Code of Civil Procedure, 1908 ('CPC') pending before the same Court, notice has been issued to the opposite party, but no stay has been granted.

So far as the execution is concerned, the stay is to be sought in the main application filed under Order 9 Rule 13 CPC and not in the execution. Therefore, the lower Court was justified in dismissing the objections and issuing the warrants of possession. There are no merits in the present revision. The same is accordingly dismissed.

However, since it is stated that the said application has been filed under Order 9 Rule 13 CPC, the lower Court is directed to pass specific order on the application for grant of stay.

(KULDIP SINGH)
JUDGE

7.9.2015
sjks