

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR No. 5974 of 2015 (O/M)
Date of decision : 17.9.2015

Parveen Khanna

..... Revisionist

Versus

Sushma Rani

..... Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. Shiv Kumar, 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)

The ex-parte ejectment order dated 13.8.2015 (Annexure-P-8) was passed against the present revisionist by the learned Civil Judge (Junior Division), Jalandhar. The revisionist has filed an application under Order 9 Rule 13 of Code of Civil Procedure, 1908 (in short 'CPC'). Pending the same, an execution was filed by the landlady, in which warrants of possession are stated to have been issued. The prayer was made by the present revisionist/JD to stay the said ex-parte decree on the ground that application under Order 9 Rule 13 CPC is pending.

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I am of the view that proper remedy was to file an application in the same Court where application under Order 9 Rule 13 CPC is pending and not in the Executing Court. Therefore, there is no error in the impugned order. Thus, the present revision is dismissed with liberty to the revisionist to approach the proper Court, where application under Order 9 Rule 13 CPC is pending.

(KULDIP SINGH)
JUDGE

17.9.2015
sjks