

In the High Court of Punjab and Haryana at Chandigarh

**Civil Revision No. 690 of 2014
Date of Decision: 16.07.2015.**

Karamjeet Kaur

.....Petitioner

Versus

Jaswinder Singh and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sham Lal Bhalla, Advocate
for the petitioner.

Mr. B.S.Baath, Advocate
for respondent No.1.

None for respondents No. 2, 4 and 5.

SABINA, J.

Petitioner has filed this petition under Article 227 of Constitution of India challenging the order dated 23.1.2014.

Impugned order dated 23.1.2014 reads as under:-

“Counsel for JD has argued that proceedings under order 9 Rule 13 are pending in the main case and as such, the execution proceedings should be stayed. He has further argued that the LR of JD have not been impleaded as party in the present case and as such, this execution petition cannot be sustained.

“I have heard his contentions of Ld. counsel for JD. But on 16.11.13, itself the contention of proceedings u/o 9 Rule 13 had been considered and it was held by this Court that they do not operate as a stay. Moreover, the arguments of non impleading of the LR also do not find

any weightage as perusal of execution reveals that LR's has been represented in the present case. Thus warrant of possession be again issued for 31.1.204 by way of symbolic possession because concerned Kanugo has come with the plea that there are different properties of abadi pending in the suit property. It is hereby clarified to the Kanugo that present decree is for execution of sale deed qua share only and as such, only symbolic possession is to be given and there is nothing to do with the existing house or abadi property in the suit property."

Learned counsel for respondent No. 1 has submitted that this petition has been rendered infructuous as the application moved by the petitioner under Order 9 Rule 13 of the Code of Civil Procedure, 1908, has been dismissed by the Trial Court vide order dated 20.5.2015.

In view of the submission made by learned counsel for respondent No.1, this petition is dismissed as having been rendered infructuous.

**(SABINA)
JUDGE**

July 16, 2015
Gurpreet