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

CR No.7748 of 2014

Date of decision: July 17, 2015

Navinder Singh

.....Petitioner

Versus

Ranjit Singh

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. H.S. Batth, Advocate
for the petitioner.

SABINA, J

Petitioner has filed this petition challenging the order dated 21.05.2014.

Learned counsel for the petitioner has submitted that petitioner has moved an application under Order 9 Rule 13 of Code of Civil Procedure, 1908 ('CPC' for short) for setting the *ex parte* decree dated 06.09.2012. During the pendency of the said application, the proceedings were liable to be stayed by the executing Court.

In the present case, respondent had filed suit for recovery against the petitioner. The suit was decreed in *ex parte* vide judgment/decreed dated 06.09.2012. Respondent filed execution petition seeking execution of the decree. Petitioner has moved an application under Order 9 Rule 13 CPC for setting aside the *ex parte* decree. However, the execution proceedings have not been stayed by the Court. In

these circumstances, the executing Court has rightly proceeded with the execution proceedings in the absence of any stay qua operation of the *ex parte* decree.

No ground for interference by this Court, is made out.

Dismissed.

**(SABINA)
JUDGE**

July 17, 2015

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