

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CR No. 1455 of 2016
Date of decision : February 26, 2016

Chandigarh Administration and another

..... Petitioners

Versus

Piara Singh (deceased through L.Rs) and others

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Shekhar Verma, Advocate
for the petitioners.

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

Amit Rawal, J (oral).

The petitioners-judgment debtors are aggrieved of the dismissal of the objections of an ex-parte judgment and decree dated 1.3.2013.

Learned counsel for the petitioners submits that an application under Order 9 Rule 13 CPC was filed on 22.4.2013. However the same was dismissed in default and application seeking restoration of the same had been filed. The aforementioned application was not accompanied by an application seeking interim stay whereas on the other hand, the decree holder is seeking execution of the decree aforementioned. Accordingly, the application under Order 9 Rule 13 CPC has erroneously been dismissed.

I have heard learned counsel for the petitioner and

appraised the paper book and of the view that the manner and mode adopted by the petitioner is alien to the procedure prescribed in the Code of Civil Procedure. Nothing prevented the petitioner to move an application for interim stay for staying the ex-parte judgment and decree. Liberty is granted to the petitioner to move application seeking interim stay viz-a-viz execution of the judgment and decree and not in the manner and mode adopted by the petitioner.

On filing of the application for interim stay, the trial court shall decide the same in accordance with law within a period of one month from today.

In view of the aforementioned observations, the impugned order is affirmed.

The civil revision stands disposed of.

(AMIT RAWAL)
JUDGE

February 26, 2016
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