

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

CR-2418-2016 (O&M)

Date of Decision:-19.05.2016

Baldev Raj

...Petitioner

Versus

Dharamshala Baba Deva Singh and others

...Respondents

CORAM: HON'BLE MR.JUSTICE SHEKHER DHAWAN

Present:- Ms. Sukhpreet Kaur, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present petition is challenge to the order dated 25.02.2016 (Annexure P-5) passed by Civil Judge (Senior Division), Phillaur whereby objection petition filed by the petitioner was dismissed.

Learned counsel for the petitioner fairly conceded that application under Order IX Rule 13 read with Section 151 CPC for setting aside the judgment and decree dated 21.11.2012 is still pending before the first Appellate Court.

Since application under Order IX Rule 13 CPC is pending before the first Appellate Court and the petitioner has a remedy to take all the pleas before the first Appellate Court, therefore, the present petition is not maintainable.

In view of the above, present petition stands dismissed.

**(SHEKHER DHAWAN)
JUDGE**

May 19, 2016
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