

IN THE HIGH COURT OF PUNJAB & HARYAN AT CHANDIGARH

CR No.2571 of 2015

Date of Decision: 17.8.2016

Jatinder Kumar

Versus

....Petitioner

Tarlok Nath

....Respondent

CORAM: HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.M.S.Kohli, Advocate for the petitioner.

Mr. Sandeep Suri, Advocate for the respondent.

Darshan Singh, J. (Oral)

The present petition has been preferred against the order dated 7.4.2015 vide which the warrants of possession have been issued in execution.

This fact is not disputed that defendant-petitioner has already moved an application under Order 9 Rule 13 CPC for setting aside the ex parte judgment dated 20.8.2014 and the said application is still pending adjudication. It will not be appropriate to execute the warrants of possession before adjudication of the said application.

Learned counsel for the respondent has contended that the application under Order 9 Rule 13 CPC was filed by the petitioner on 27.10.2014 and still the petitioner has not concluded his evidence.

Mr. M.S. Kohli, learned counsel for the petitioner, has stated that the petitioner has already produced his evidence. Now the case is listed for 17.9.2016 for cross-examination of the witnesses of the petitioner.

Learned counsel for the respondent has undertaken to cross-examine the witnesses examined by the petitioner on that date.

So, the present petition is hereby disposed of with a direction that the petitioner will conclude his entire evidence in the application under Order 9 Rule 13 CPC on 17.9.2016 when that application is listed before the learned trial Court and the said Court will make every endeavour to dispose of the application under Order 9 Rule 13 CPC within three months thereafter. Till then, the warrants of possession issued by the learned Executing Court shall remain in abeyance.

August 17, 2016
ps

(DARSHAN SINGH)
JUDGE