

In the High Court of Punjab and Haryana at Chandigarh

PARAMJIT KAUR SAINI
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Civil Revision No. 332 of 2016
Date of Decision: 18.1.2016

State of Punjab and another

---Petitioners

versus

M/s Vikrant Electrical Industries Private Limited

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Rahul Verma, AAG, Punjab
for the petitioners

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

Rekha Mittal, J.

The present petition lays challenge to order dated 24.2.2014 passed by the Additional Civil Judge (Senior Division) Ludhiana dismissing the petition preferred by the petitioner in execution application No. 31 of 30.9.1996.

A perusal of the impugned order (Annexure P-6) reveals that the sole objection raised by the petitioner/judgment debtor was that the proceedings may be stayed during pendency of the appeal against the order by which the application filed by the petitioner under Order IX Rule 13 of the Code of Civil Procedure (in short "CPC") for setting aside ex parte judgment and decree in question was statedly pending.

Counsel for the petitioner has fairly conceded that even the appeal preferred against order dated 08.4.2009 passed by the Additional

Civil Judge (Senior Division), Ludhiana dismissing the application of the petitioner for setting aside ex parte judgment and decree has since been disposed of by the Additional District Judge, Ludhiana vide order dated 10.12.2014. This apart, the application for execution of the decree already stands dismissed as withdrawn being fully satisfied as symbolic possession has been delivered to the decree holder in view of order dated 28.2.2014 (Annexure P-7). It is surprising rather mystified as to why the State of Punjab in the Department of Industry preferred to file the present revision petition knowing fully well that appeal filed by the petitioner has since been disposed of by the Additional District Judge, Ludhiana in December 2014.

In view of what has been discussed hereinabove, the petition is dismissed in limine.

(Rekha Mittal)
Judge

18.1.2016
PARAMJIT