

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

CR No.4125 of 2016 (O&M).

Date of Decision: 08.07.2016.

NCC Limited

....Appellant.

VERSUS

Neha Mehta and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Sumeet Goel, Advocate for the petitioner.

SNEH PRASHAR, J.

The instant civil revision petition has been filed for setting aside/modifying the order dated 10.05.2016 passed by learned Civil Judge (Senior Division), Panipat on an application under Order IX Rule 13 of the Code of Civil Procedure (for short, “the Code”) filed by the petitioner.

The submissions made by Mr. Sumeet Goel, learned counsel for the petitioner have been considered.

The plea of the petitioner is that learned Civil Judge (Senior Division) had not granted stay of the exparte judgment dated 04.12.2015 and the execution proceedings arising out of the same while issuing notice of his application filed under Order IX Rule 13 of the Code.

The impugned order dated 10.05.2016 passed by learned Civil Judge (Senior Division) is as under:-

“Ahlmad report perused. Application be checked and registered. Now, notice of the present application be issued to

the opposite party for 24.05.2016. Dasti notice be given if so desired.”

Apparently, there is not a word in the order declining to stay the operation of the exparte judgment or the execution proceedings as alleged by the petitioner. The order also does not indicate that any submission to the said effect or prayer for disposal of the application, if any, filed for stay of operation of the judgment or the execution proceedings, was made by counsel representing the petitioner before learned Trial Court. The issuance of notice of the application does not amount to disposal of the injunction application, if at all it was filed alongwith the main application. The order of notice is only a step in proceedings and is an interlocutory order which does not amount to disposal of the injunction application or termination of the proceedings of such application and therefore could not be challenged by way of a revision petition.

Thus, there being no merit in the petition, it is hereby dismissed.

(SNEH PRASHAR)
JUDGE

08.07.2016.

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