

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

C.R.No.6177 of 2015 (O&M)

Date of Decision: January 18, 2016

Pushpinder Singh Cheema

...Petitioner

Versus

Dharam Pal Singh Lottay and others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Sameer Sachdeva, Advocate,
for the petitioner.

Mr.Jaswinder Singh, Advocate,
for the respondents.

AMIT RAWAL, J. (Oral)

The petitioner-decree holder is aggrieved of the impugned order, whereby the Objecting Court has accepted the objections filed on behalf of the judgment-debtor and stayed the execution proceedings of the *ex-parte* judgment and decree.

The grievance of Mr.Sameer Sachdeva, learned counsel for the petitioner-decree holder is that the judgment-debtor has also filed similar objections under Order 9 Rule 13 CPC and also prayed for interim relief. He passed on the copy of the zimni order, which shows that on 9.12.2015, the trial Court framed the issues and remedy, if any, for the judgment-debtor was to press for the interim prayer instead of filing the objections.

Mr.Jaswinder Singh, learned counsel appearing on behalf of the

respondents submits that it is the same very Court which has passed the interim order and even the application under Order 9 Rule 13 CPC and as well as objections were, at one point of time, taken up together, i.e., on 19.11.2014, the date when the impugned order was passed, whereas in the application under Order 9 Rule 13 CPC, the matter was adjourned for consideration.

Be that as it may, the fact remains that the petitioner-decree holder has complied with the terms and conditions of the judgment and decree by depositing the balance sale consideration as well as stamp charges. In my view, the pendency of the application under Order 9 Rule 13 CPC, without there being any time frame, would seriously prejudice his interest.

Accordingly, the present revision petition is disposed of with a direction to the trial Court to decide the application under Order 9 Rule 13 CPC, stated to be pending, by giving two opportunities each to the petitioner and the respondents, in accordance with law.

Till then, the execution of the judgment and decree shall remain stayed.

It is made clear that nothing shall prevent the Executing Court to decide the application on the basis of the evidence brought on record uninfluenced with the findings rendered by this Court.

January 18, 2016
ramesh

(AMIT RAWAL)
JUDGE