

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

-.-

CR 6249 of 2015 (O&M)
Date of decision: 26.07.2016

MANOHAR LAL KHATRI

....Petitioner

V/S

DOGAR DASS SACHDEVA TRUST FAZILKA AND ORS

.....Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

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Present : Mr. Vikas Kumar, Advocate
for the petitioner

Mr. Sandeep Jasuja, Advocate
for respondent No. 1

Mr. Y K Aneja, Advocate
for respondents No. 2, 4, 5, 7, 8, 9 and 10

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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.

Counsel for respondent No. 1 has apprised the Court that the appeal preferred by the petitioner against the order dated 24.04.2015 passed by the Additional Civil Judge (Senior Division) Fazilka, dismissing the application of the petitioner under Order 9 Rule 13 of the Code of Civil Procedure, has been dismissed vide order dated 25.04.2016 and a certified copy of the judgment has been produced and taken on record.

On 07.10.2015, notice of motion was issued after recording contentions of the petitioner, extracted here-in-below:-

“Counsel for the petitioner, inter alia, contends that his application under Order 9 Rule 23 for setting aside ex parte judgment and decree dated 20.05.2010 was dismissed on 24.04.2015 by Additional Civil Judge (Senior Division) Fazilka and the appeal against said order is pending in the Court of Additional District Judge, Fazilka, which is pending adjudication and fixed for hearing on 18.11.2015. Learned counsel for the petitioner prays that the execution proceedings be stayed as the main question of decision in the appeal should be 'whether the service has been effected upon the petitioner by way of substituted service, when he was posted at Zira.'"

Notice of motion for 27.01.2016.

Execution proceedings pursuant to order dated 19.08.2015 (Annexure P3) are ordered to be stayed.”

As the appeal preferred by the petitioner against the order dated 24.04.2015 already stands dismissed, the present petition has been rendered infructuous and is disposed of accordingly.

(Rekha Mittal)
Judge

26.07.2016
mohan bimbura