

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

CR No.3156 of 2017

Date of decision: May 04, 2017

Kuldeep Singh

....Petitioner

Versus

Garja Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Monika, Advocate
for the petitioner.

JASPAL SINGH, J.(ORAL)

By virtue of the instant civil revision preferred under Article 227 of Constitution of India, petitioner has sought direction to the Civil Judge (Junior Division), Kharar to expeditiously decide Civil Misc. No.34 dated 29th July, 2013 titled as *Garja Singh Vs. Kuldeep Singh* as well as Case No.EXE/0200017/2013 titled as *Kuldeep Singh Vs. Garja Singh*, both arising of the same judgment and decree dated 28th September, 2012 pending in the Court of Civil Judge (Junior Division), Kharar.

A perusal of the file reveals that an application for setting aside an *ex parte* judgment and decree dated 28th September, 2012 passed in a suit captioned as *Kuldeep Singh Vs. Garja Singh* for separate possession of land, was filed under Order IX, Rule 13 CPC by the respondent on 29th July, 2013. Since then, the said application is being adjourned time and again and it has not been finalized so far.

A close scrutiny of the file transpires that though the application under Order IX, Rule 13 CPC was rejoinder/replication not required but the case was adjourned number of times by the trial Court during the period from 15th April, 2014 to 21st April, 2015 for the said

purpose which is nothing but a mere wastage of the time of the Court.

However, issues were framed in the aforesaid application for setting side the *ex parte* judgment and decree dated 28th September, 2012 on April 21, 2015. Thereafter also, without paying any heed, the trial Court has adjourned the matter time and again for the evidence of the applicant-Garja Singh and the evidence was only concluded on 28th February, 2017. Now the matter is listed for the evidence of the petitioner/plaintiff and execution application filed by the decree holder is also being adjourned time and again along with the application under Order IX Rule 13 CPC.

Without expressing any opinion but taking into consideration various factors discussed above, the trial Court is directed to take up this matter expeditiously and dispose of the same within a period of six months positively from the date of receipt of certified copy of this order.

As far as Execution No.0200017/2013 titled as *Kuldeep Singh Vs. Garja Singh*, it depends upon the decision of the application under Order IX Rule 13 CPC. In case the application under Order XXXIX, Rule 13 read with Section 151 CPC is allowed, the said execution application be also taken up on priority basis for its disposal.

Any observation or expression made in this order shall remain limited to the disposal of the instant revision petition and shall have no bearing on the merits of the case.

May 04, 2017
m. sharma

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No