

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

**Civil Revision No.7648 of 2016 (O&M)
Date of Decision : 29th March, 2017**

Rajinder Singh (deceased) through LRs

..... Petitioner

Versus

M/s Walia Financers and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present : Mr. Naresh Kumar Manchanda, Advocate
for the petitioner.

Mr. P.K.Jain, Advocate
for respondent No.1.

RAMESHWAR SINGH MALIK, J. (Oral)

Learned counsel for the parties are ad idem that during the pendency of revision petition, the application filed by the petitioner under Order 9 Rule 13 of the Code of Civil Procedure seeking setting aside the ex parte judgment and decree has been allowed.

Learned counsel for the respondent submits that the respondents are intending to challenge the said order passed by the learned trial Court whereby application of the petitioner under Order 9 Rule 13 CPC has been allowed. However, learned counsel for the parties very fairly submit that so far as the revision petition is concerned, it does not survive any further and the same may be disposed of as having been rendered infructuous.

In view of the above said stand taken by the learned counsel for the parties, the present revision petition is disposed of as having been

rendered infructuous. However, the learned Executing Court is directed to refund the amount deposited by the petitioner to the extent of 1/3rd of the decretal amount in compliance of the order dated 15.11.2016, passed by this Court because the application of the petitioner under Order 9 Rule 13 CPC has been allowed.

Disposed of accordingly.

29th March, 2017

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**(RAMESHWAR SINGH MALIK)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No