

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

CR-2483-2018 (O&M)

Date of decision : 19.4.2018

Balkar Singh and others

..... Petitioners

Versus

State Bank of India

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Ms. Ravinder Kaur Manaise, Advocate for the petitioners.

1. *Whether the Reporters of local newspaper 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 ?*

KULDIP SINGH J. (ORAL)

Heard.

It comes out that an execution for recovery of decretal amount is pending against the present petitioners-judgment debtors. Petitioners filed an application dated 4.10.2017 (Annexure P-3) for setting aside the ex-parte proceedings and the same was dismissed vide impugned order dated 12.12.2017 (Annexure P-4), passed by learned Additional Civil Judge (Senior Division), Fazilka stating that the petitioners-judgment debtors themselves have not appeared and accordingly conditional warrants of arrest were issued.

I am of the view that in the execution, petitioners-judgment debtors can appear at any time and if they so desires, they can file the objection. Mere fact that they have been proceeded ex-parte and that while filing of the application for setting aside of the proceedings, they did not appear in person, is no ground to decline the said application.

Accordingly, impugned order dated 12.12.2017 (Annexure P-4), passed by learned Additional Civil Judge (Senior Division), Fazilka is set aside and the petitioners-judgment debtors are directed to put in appearance before the Executing Court and file objections, if any, ex-parte proceedings against them are also set aside.

Allowed as above.

(KULDIP SINGH)
JUDGE

19.4.2018
preeti

Whether speaking / reasoned	Yes
Whether Reportable:	Yes