

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CR 3367-2017 (O&M)
Date of decision: 24.04.2018

Beant Kaur

.....Petitioner

versus

Gurdeep Singh

.....Respondent

CORAM: Hon'ble Mr.Justice Kuldip Singh

Present: Mr.Deepak Bhardwaj, Advocate for the petitioner
Mr.Vikas Mehsempuri, Advocate for the respondent

- 1. Whether Reporters of Local Newspapers 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?*

Kuldip Singh, J. (Oral)

Heard.

It comes out that ex-parte judgment and decree has been passed against the present petitioner-JD. She has filed an application under Order IX Rule 13 CPC 1908, which is stated to be fixed for evidence. She had also filed objections stating that application under Order IX Rule 13 CPC is pending for setting aside the ex-parte judgment and decree dated 21.5.2015, therefore, on this basis, it was prayed that the execution should not be carried out.

I am of the view that once, judgment and decree is passed, it has to be executed if not stayed by the competent Court. If the petitioner wants that the operation of ex-parte judgment and decree should be stayed, she should have moved an application in the proceedings under Order IX Rule 13 CPC 1908.

In view of the same, there is no illegality or infirmity in the impugned order.

The present revision petition is dismissed accordingly. However, liberty is granted to the petitioner to move an appropriate application in the proceedings under Order IX Rule 13 CPC 1908 to seek stay of the ex-parte judgment and decree.

24.04.2018*gk***(Kuldip Singh)
Judge**

Whether speaking/ reasoned: Yes

Whether Reportable: No